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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 25 April 1946, 1000-1300, Lord Justice Lawrence presiding.

HANS BERND VISEVIUS--Resumed

DIRECT EXAMINATION--Continued

BY DR. DIX:

Q Yesterday we came to January 1938. At thattime you had gone to Berlin, and you had returned to a position which Schacht had constructed for you. You were now in continuous contact with your political friends, Schacht, Oster, Canaris and Nebe. Then, at the end, you testified that at that time, within your circle, you all had the impression that something was going to happen.

Now, in fact, we come to the so-called Fritsch crisis, in my opinion the decisive, inner-political last step before the war. Will you please describe the entire course and the background of that crisis, especially in consideration of the fact that during the history of that crisis the march into Austria was made, and tell us everything in consideration of the position and the actions of Schacht, which are most important in that connection.

A First, I shall describe the course of the crisis as such; and it is correct that all my friends considered it the decisive last step before the outbreak of the war.

I shall, as briefly as possible, give you the facts. I consider it right, in order not to confuse the picture, that at first I shall leave out the personality of Schacht from the description, because the facts as such are complicated enough. In my description, at first, I will not point out where the information came from, but I shall wait until I am asked for that.

On the 12th of January, 1938, the German public was surprised by the report that the then Reich War Minister, Field Marshal von Blomberg, got married. Details about his wife, or pictures, were not given. A few days later the only picture appeared, which was a photo of the Marshal and his wife in front of the monkey cage at the Leipzig Zoo. A number of rumors started in the capital

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about the past of the Marshal's wife, indicating bad things.

A few days later, on the desk of the Police President in Berlin, there appeared a thick file from which the following could be seen: Marshal von Blomberg's wife had been a prostitute who had been registered in the files of seven large German cities; she was in the Berlin Rogue's Gallery. I myself had seen the fingerprints and the pictures. Finally, she had been punished for distributing pornographic pictures.

The President of the Police in Berlin was obliged to send these files, through channels, to the Chief of Police Himmler.

Q Excuse me, but who was the Police President at that time in Berlin?

A At that time the Police President in Berlin was Graf Count Helldorf. Count Helldorf recognized that the passing on of that material to the Reichsfuehrer SS would put the armed forces in an impossible position, because then Himmler would have that material in his possession, which he could use for the moral finishing-off of Blomberg and for a coup against the leadership of the armed forces.

Helldorf took these files to the closest collaborator of Marshal Blomberg, the Chief of the Armed Forces Keitel, who, at that time, was related, through the marriage of both children, to Marshal Blomberg. Marshal, or Colonel-General Keitel at that time, looked carefully through these files and put the demand to Helldorf to cover up the entire scandal and to keep quiet about these files.

Q Excuse me, Dr. Gisevius. Please tell the Tribunal where you know that from.

A I know that from Count Helldorf, who described all these things to me, and through Obbrregierungsrat, and later Reich Criminal Director, Nebe, who was still in Berlin at that time.

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Keitel refused, on his part, to approach Blomberg so as to take any of the consequences. He also refused to inform the Chief of the General Staff, Beck and the Chief of the Army, General Fritsch. He sent Count Heldorf off with the files to Goering. Heldorf submitted to defendant Goering the entire file. Goering asserted to know nothing about the pictures in the Rogues Gallery and the previous convictions of Blomberg's wife but already in that first conversation and during later conversations he admitted that he had known the following: first, that Marshal Blomberg several months ago had already asked Goering whether it was admissible that he have an affair with a commoner. Shortly thereafter Blomberg had asked Goering whether he, Goering, would help him to obtain a dispensation to marry that lady, as he expressed himself, "with a past."

Later Blomberg came again and gave Goering an account that this lady of his heart unfortunately still had another lover and he had to ask Goering to help him, Blomberg, to get rid of that lover.

Q Excuse me please. Goering told that to Heldorf and you found it out from Heldorf?

A Yes, from Heldorf and in the further course of the investigation we found it out from other sources too. Goering thereafter sent that lover away by giving him foreign currency and shipping him to South America. In spite of that Goering did not inform Hitler about that prelude. Moreover, together with Hitler, he went as best man to the wedding on the 12th of January, the wedding of Marshal Blomberg.

I should like to point out here --

THE PRESIDENT: Dr. Dix, the Tribunal would wish to know how you suggest that these matters which appear to be personal are relevant to the charges and in what way they affect defendant Schacht or the defendant Goering or the defendant Frick?

DR. DIX: I am here only to serve the interests of the defendant Schacht.

It is necessary to see that crisis in its entire atrociousness in order to conceive what revolutionary consequenceit had and what influence it had on Schacht and his circle with respect to the regime. I have said once before the thing in the career of Schacht that turned him from an admirer of Hitler

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to an enemy was the Fritsch crisis.

The Tribunal would not be able to understand that change of mind if the Tribunal could not get the same impression which Schacht had at that time. Indeed, in no way do I desire here to wash dirty laundry. I put these questions only with the purpose of having described the Fritsch crisis in all details and that must be done in understanding the further development of Schacht and the impression of the Fritsch crisis on the circle Canaris. Perhaps if one does not understand the entire atrocious extent of that crisis and thought it may be disagreeable, one has to decide to accept these things, partly personal things, and to take notice of them. It is absolutely necessary and important point of my defense.

MR. JUSTICE JACKSON: If the Tribunal please:

It might be helpful at this time to know our position in reference to this line of testimony if it is to be considered whether admissible or not now.

I should desire, if this incident were not brought out, to bring it out upon cross-examination upon several aspects. One is it shows the background of the incident of yesterday, which I think is important in appraising the truthfulness of testimony in this case.

The other thing is it bears upon the conspiracy to seize power. There were certain men in Germany that these conspirators had to get rid of. Some of them they could kill safely. Some of them, as we see from the Roehm purge when they went to killing they aroused some opposition, they had to strike down by other means and the means they used against Fritsch and Blomberg show the conspiracy to seize power and to get rid of the men who might stand in the way of aggressive warfare.

It will appear, I think, that Fritsch and Blomberg were among the reliants of the German people in allowing these Nazis to get as far as they did, believi that here at least were two men who would guard their interests and the method by which those men were stricken down and removed from the scene we would consider an important part of the conspiracy story and I would ask to go into it on cross-examination.

That might perhaps be material to the Court in deciding whether it should proceed now.

DR. DIX: May I say one more thing, please?

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THE PRESIDENT: Yes, Dr. Dix.

The Tribunal thinks, in view of what you have said and what Mr. Justice Jackson has said, that your examination must continue andyou will no doubt try to confine it as much as you can to the political aspects of the matter.

DR. DIX: Of course, indeed, sir. But the personal matters are here of such political importance that it cannot be quite left out.

BY DR. DIX:

Q Dr. Gisevius, you understand the difficulties of the situation. We want here only to bring up the material as far as it is necessary to understand the truth. We do not want anything concessional but where it is necessary to explain the development to the Tribunal and I ask you to speak quite frankly.

A I ask the Tribunal to realize also my difficulties. I myself do not really like to speak about these things.

I have to add that Goering was the only Chief of the Research Institute, that was that institution which carried out all the wire-tapping in the Third Reich. That Research Institute was not satisfied as has been described here to only tap telephone conversations and to decode messages but it had its own information service all the way down to their own employees who could make investigations. It was, therefore, quite possible also to get confidential information about Marshal von Blomberg's wife.

When Heldorf gave the file to Goering, Goering saw himself compelled to give these files, to turn them over to Hitler. Hitler suffered a nervous breakdown and decided to dismiss Marshal Blomberg immediately. Hitler told the generals later in a public meeting his first thought was to appoint as successor for Blomberg Colonel General Fritsch. The moment he expressed that decision Goering and Himmler reminded him that that was not possible since Fritsch, by a file from the year 1935, was badly incriminated.

Q Excuse me, Doctor. What is your understanding, your impression of that conversation between Hitler and the generals?

A Several generals who took part in that meeting told me about it. I have said already that in the course of events which I will have to describe Hitler had made many personal statements and we also had in our possession original documents of the Reich War Court.

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The file of 1935, which in January 1938 were submitted to Hitler, referred to the fact that the Gestapo in 1934 among other enemies of the state had come to the idea to consider also homosexuals as criminals and to prosecute them as such.

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The Gestapo had gone into a search for material, from convicted inmates, about homosexuals. In the course of that, one of the inmates gave a terrible story, which was so atrocious that I will not repeat it here. May it suffice that that inmate said the man in question had been a Mr. Fritsch. The inmate could not remember the correct name.

The Gestapo then turned over these files to Hitler in 1935. Hitler was indignant about the contents. He expressed himself to the generals that of such a schweinerei he did not want to know anything. Hitler gave the order that these files should be burned immediately.

Now, in January 1938, Goering and Himmler reminded Hitler of these files, and it was up to Heydrich still to produce these files which allegedly had been burned in 1935 and to submit them to Hitler, supplemented in the meantime by extensive investigation material.

At that moment Hitler said to the generals that after the disappointment which he had had from Blomberg he beleived that he could expect all sorts of bad things from Fritsch also.

The Defendant Goering offered to Hitler that he would get the inmate of the prison from the prison to the Reich Chancellory. Goering threatened that inmate first in Karinhall to have him killed unless he would repeat his statements.

Q How do you know that?

A That was mentioned in the Reich war court. Then Fritsch was asked to come to the Reich Chancellory and Hitler pointed out what accusations had been made against him. Fritsch, a man of honor, had received a confidential warning from Hitler's adjutant, but it had been so incomplete that Fritsch became quite shocked in the Reich Chancellory. He did not understand what Hitler intended to do. Indignantly he disputed and denied what allegedly he had done, in the presence of Goering. He gave Hitler his word of honor that all accusations were false. But Hitler went to the nearest door, opened it, and that prisoner entered, raised his arm, pointed to Fritsch, and said, "That is he."

Fritsch was speechless. He could only demand that a court investigation be made. Hitler demanded his immediate resignation, under the condition that

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Fritsch should go silently and he would leave the matter be.

Fritsch turned to the chief of the general staff, Beck. Chief of the general staff Beck intervened with Hitler. A tremendous struggle came about to have an investigation made about these terrible accusations against Fritsch. That struggle lasted about a week. There were dramatic disputes in the Reich Chancellory. At the end the famous 4th of February approached, at which date the generals were ordered to come to Berlin, who until that day--that is to say, ten days since the dismissal of Blomberg and the relief of Fritsch--had no idea that both their superiors were no more in office.

Hitler personally presented the files to the generals in such a form that they also were completely confused and had to be satisfied to accept that the affair should be investigated by the courts.

Q And did you know about the participants of that meeting?

A Yes. At the same time Hitler surprised the generals with the report that they had a new commander in chief, General von Brauchitsch. Some of the generals had in the meantime been relieved from duty, and on the previous evening that report appeared in the newspapers in which Hitler, under the pretense of a concentration of conditions in the government, had dismissed the foreign minister, von Neurath, affected a change in the ministry of economics, had relieved a number of diplomats from duty, and then, as an appendix to that report, made a change in the war ministry and in the leadership of the army.

There arose now again a struggle for several weeks about the meeting of the court-martial which would have to decide about the rehabilitation of General Fritsch. That was for everyone of us the moment when we believed we were able to prove before a supreme court with what means the Gestapo got rid of their political adversaries. Here was the only opportunity to hear witnesses under oath as to how that entire intrigue had been spun. So we went to work to prepare for that trial.

Q What do you mean by "we"?

A In that connection I want to mention one man first of all, who was an honest judge and jury and participated in that Reich war court. He was a

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Reich court counsellor and later chief judge of the army, ministerial director Dr. Sack. He was a man who believed that he owed it to the idea of law to work with all possible means for the clarification of these things. He did it, and he also went the way of death after the 20th of July.

In the course of that investigation the judges of the Reich war court heard on their part the Gestapo witnesses. They investigated the records of the Gestapo, and it did not take long until, with the aid of the criminologist Nebe, they found out definitely that in that entire affair one dealt with a double, not the General von Fritsch but a long-time before pensioned Captain von Fritsch.

In the course of that investigation the judges found out one more thing; they could prove that the Gestapo, as far back as the 15th of January, had been in the apartment of that double of von Fritsch and had questioned his mate.

May I come once more to the dates. On the 15th of January the Gestapo had proof that Fritsch was not the culprit. On the 24th of January the Defendant Goering brings the prisoner and witness into the Reich Chancellory in order to incriminate General Fritsch.

We believed that we had revealed here a piece of intrigue of indeed incredible extent. Here we believed that now the most sceptical general could see that not only in the lower regions of the Gestapo, invisibly hidden, even in the ranks of the ministers in the Reich Chancellory, who knew nothing about it, things occurred which would force any person of decency to work against them. That was the reason that we found ourselves in a larger group united now, and that now we saw that from now on we did not have to collect secret material about the Gestapo. That, indeed, had been the great difficulty under which we had operated.

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We heard a great deal, but when we would have passed on that material, every time we would have endangered these men who had given us that material and exposed them to Gestapo terror methods.

Now we could proceed legally and thus we started our struggle to influence General von Brauchitsch and to persuade him to put the necessary material over to the Reich War Court.

Q. What do you mean "we"?

A. There was a group, of which I have to mention Dr. Schacht, who was extremely active at that time, who at that time went to Admiral Raeder, to Brauchitsch, to Rundstedt, and to Guertner, and who tried at that time to explain everywhere: "Now the great crisis has arisen. Now we have to act. Now it is the task of the generals to rid us of that regime of terror."

But I have to mention one more name in that connection. In 1936 already Schacht had introduced me to Dr. Goerdler. I had the honor to set the same pace with that brave man from then on until the 20th of July. Now that I mentioned his name for the first time, in this room where so many terrible things are know, I want to make sure that also the name of the German I mentioned is a brave fighter for decency, and of whom I believed that one day, not only in Germany, he will be an ideal to prove that one can do his duty also under Gestapo terror faithfully until death. That Dr. Goerdler, who had always been a forceful and unerring fighter, at that time had courage beyond description similar to Dr. Schacht. He went from one ministry to the other, from one general to the next, and he always believed that now the hour had come where we had to form the great front of the decent one led by the General. Brauchitsch did not refuse at that time. He did not refuse to act to Guertner. In fact, he gave Guertner assurances for a putsch way into the limits of religion. And I man mention that Brauchitsch also gave me the solemn assurance that now he would use that opportunity to fight against the Gestapo; but Brauchitsch made one condition and that condition was accepted by the generals as a whole.

Brauchitsch said, "Hitler still is such a popular man. We are afraid of the Hitler might. We want to give to the German people and the world the

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last proof in the form of the session of the Reich War Court and its verdict. Therefore, Brauchitsch postponed his action until the day when the verdict of the Reich War Court would be handed down.

The Reich War Court met. It began the session. The session was interrupted suddenly under dramatic circumstances. I have to add, however, that Hitler appointed as president of that Reich War Court the defendant Goering. And now the Reich War Court, under the chairmanship of Goering, met. I know from Nebe how thoroughly Goering during the preceding days had consulted Himmler and Heydrich. I know that Heydrich told Nebe that the Riech War Court will be the end of my career.

A. Did Nebe tell you that?

A. Nebe told me that, yes. On the same day, the very same day. The Reich War Court will be the great danger for the Gestapo. And now

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the Reich War Court met for several hours and was postponed under dramatic circumstances because that was the day on which the decision was made to have theGerman armies march into Austria. At that time, already, we harbored no doubt as to why the chairman of that War Court had such an exorbitant interest to see to it that on that day the troops should get the march order and that he let them march with an apparent purpose on the outside. Only one week later the Reich War Court could meet again, but then Hitler was in his great triumph. The Germans had their first campaign of flowers behind them. The plebescite had been proclaimed. There was jubilation, and the confusion in the minds of the generals wasn't greater. So that War Court was dissolved. Frick's innocence was proclaimed. But Brauchitsch said, in that new psychological situation created by the annexation of Austria, he could no more take the responsibility to recede to a putsch.

That is largely the story as to how practically the War Ministry was deprived of its leading men. The generals were thrown into confusion without example, and from that moment on they continued steeply upward into radicalism.

DR. DIX: May I ask the Tribunal to be permitted to quote one sentence from a document which I will submit later as Schacht's Exhibit No. 15. My document book is still in the process of translation, but I hope that on the day of the hearing of Schacht it will be printed. It is only one sentence but it is interesting in this connection. It is from the bi-annual report.

THE PRESIDENT: Have the documents been submitted to the Prosecution and to the Tribunal at all?

DR. DIX: The documents have been discussed for the question of translation and then for the question of admissibility; and then they have been mentioned here before the Court. So, I am of the conviction that the Prosecution knows about the documents. It is only one sentence. I do not believe that there will be any objections on the part of the Prosecution. Otherwise, it will be torn from its context and I would like to bring it in now. I can save that time later. It is one sentence from the bi-annual report of the Chief of Staff of the United States about the time --

MR. JUSTICE JACKSON: I do not know what this document is, Your Honor. I should like to know because we may want to ask some questions about it. I do not want to delay Dr. Dix, but I do not have a copy of it and I do not know just what it is yet.

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DR. DIX: I just wanted to shorten the proceedings, but, if I see that there are any difficulties and there will be a long discussion, I would rather not do it now and will present it then later on with my document book. It would not serve any purpose otherwise.

BY DR. DIX:

Q Supplementing your information and for the better understanding, will you please give some information as to the position of the German in a court investigation?

A Dr. Dix, I do not doubt that you are better informed andcould answer better about the competency of the Chairman of the German Court, but I would like to say the following:

I have read the minutes of that session and it is one of those documents of which we thought we would be able one day to submit to the public, and I hope we will find it. From that we can see that the defendant Goering as president decided the tone of the entire proceedings as well as the questions.

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He asked the prosecution questions, and he saw to it that no other questions be put which could have been disagreeable.

I have to say that from reading these voluminous minutes Goering undertook in every way to cloak the true facts by the manner in which he led the proceedings.

Q In my first words at the beginning of the session, I called the Fritsch crisis the decisive preparatory step to the war, and you have accepted that term. After conclusion of the description of the Fritsch crisis, would you like to give us the reason for that opinion, and what was the impression on your group, especially on Schacht?

A I want to point out again that up to that Fritsch crisis it had been difficult in the ranks of the German opposition to utter the mere thought of war. That was due to the fact that in Germany the groups in opposition were so sure of the strength of the army and of the leading men that they believed it would be sufficient to put a man of honor, like Fritsch, at the head of the German Army. This thiught seemed inconceivable, that Fritsch would cultivate a sliding into terror or into war.

Only a few had pointed out that it was in the nature of every revolution that one day it goes beyond the limits of its own people. We believed from past history to have to apply that fact as a threat also concerning the National Socialist Revolution. Therefore, those of us who were convinced that they were faced with a revolution, not only a dictatorship, warned again and again that one day those revolutionaries would revert to war as a last means, and all the more now, in the course of the Fritzsch crisis, it became clear that radicalism was victorious. It became also clear to a large group that the danger of war could no more be denied.

Q Did also the defendant Schacht belong to that group?

A Yes. During those days of the Fritzsch crisis, Schacht, such as many others, said "This is war." And, without doubt, that also was told to the Commander in Chief of the Army, General Brauchitsch.

Q The question arises now, why did Schacht finance before, at least in the beginning, the rearmament?

A Schacht always told me his reason. He had financed the rearmament for defense purposes. Schacht was convinced for many years that such a great people, such a large people in the center of Europe, should at least have the means for defense.

There I emphasize that at that time large groups within the German people were

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convinced of the thought that possibly from the East an offensive danger could arise. We cannot forget with what means of propaganda the German people were swamped at that time, and especially that danger arising from the East, and hints about the Polish aspirations concerning East Prussia were presented.

Q Did Schacht at that time also talk to you about the fact that this rearmament served political purposes in so far as the discussion about rearmament could be started again?

A I beg your pardon. I forgot on my part to emphasize that point. Schacht was of the opinion that by all means the discussion about rearmament should be started again. He had the idea that very soon--I think he had that opinion since 1935--the other side would point to German rearmament, and then Hitler would be forced on account of that wellknown rearmament, to resume the talks at the disarament conference.

Q That which you have just said, was it the subject of your conversation with Scacht at that time, or is that your judgement now?

A No, I remember these conversations very well, because at that time I could not quite understand that Hitler would be inclined to go to a disarmament conference. I thought Hitler was of an entirely different mentality, and was surprised that Schacht expected such thoughts in Hitler's mind.

Q Do you have the impression from your conversations with Schacht that about the manner, extent, and speed of rearmament he was well informed in detail?

A I remember quite clearly how often Schacht asked friends of mine, and me personally, whether we could help him to get information about the extent of rearmament by questions to the Reich War Ministry. I have described yesterday the efforts he made through Oster and Thomas to get details.

Q Could you tell the Tribunal whether at all Schacht has made efforts then to limit armament expenses and when these efforts started?

A These efforts started, to my knowledge, in 1936; and in heated debates about Schacht's resignation as Minister of Economics in 1937 these efforts played an important part. I recall that practically every conversation was concerned with that point.

Q Now, it is said--and it is quite understandable--it has been said by the Prosecution that the reasons Schacht gave for the necessity of these limitations were based primarily in the field of finance--that is to say, that he, as economic

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leader and president of the Reichsbank, was concerned and not as a patriot who is afraid that his country may be plunged into war. Did you also have conversations with Schacht of which you can remember anything to that extent?

A In all conversations there were dozens of drafts, all suggestions which Schacht was going to make. They were discussed in the circle of friends. To mention one example, Schaht repeatedly discussed such letters with Goerdeller. Always there was one main question: What can one say so that such a letter would not be considered a provocation, but so that it could serve the purpose to interest the rest of the well meaning ministers and also the War Ministervon Blomberg and get them at Schacht's side?

That was the struggle, how can we convince such ministers as Blomberg, Neurath, or Schwerin-Krosigk, who were more loyal to Hitler--how could we convince them to join Schacht rather than to say that Schacht once again, with his well known sharp tongue, had provoked Hitler and Goering.

All these letters can only be understood from the tactical reasons which, as I have mentioned, had been discussed with the leading men of the opposition group.

Q Now, after the Fritsch crisis, what was the developement of the political conspiracy which you and your friends had with Schacht?

A I want to deal with that word of "conspiracy." Whereas up to that moment our activity could only be a called oppositional, now, indeed, a conspiracy started. And from now on one man steps into the foreground, who later played an important part and was to play an important part as head of that conspiracy.

The Chief of General Staff at that time. General Beck, was of the opinion that the time had come when a German General should give the signal for the nation and for abroad. I believe it is important for the Tribunal to know the last reason which may have determined Beck to that step.

The Chief of the General Staff had been present when Hitler, in May 1938, at Juterborg. held a speech before the Generals. That speech was intended as rehabilitation for Fritsch.

A few words were also said about Fritsch, but more were said--and for the first time, quite frankly, before German Generals, a large group--about Hitler's intention to cover Czechoslovakia with warefare. Beck heard that speech. He was indignant that he, as chief of the General Staff, now for the first time heard of an intention of that kind in an audience of that form without having been informed

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or consulted about it previously.

Still, during that meeting, Beck sent a letter to Brauchitsch asking him for an immediate interview. Brauchitsch refused it and kept Beck waiting for several weeks. Beck was not patient. He wrote a censored memorandumin which he, as Chief of General Staff, contested against the fact that the German people were thrown into war adventures.

Beck declared at the end of that memorandum his resignation, and here I believe it is the right time to say a word about that.

Q One moment, Doctor. Will you only tell us what is the thought of your knowledge about Beck's thoughts and the negotiations between Beck and Brauchitsch?

A Beck confided in me, and in the last years I worked very closely together with him, and until the last hour of his life on the 20th of July I was close to him.

I can testify here--and it is important for this Tribunal to know--that Beck again and again has struggled with the problem as to what a Chief of General Staff should do if he recognizes that everything is driving to a war. Therefore, I owe it to his memory, and to my oath here, to say that Beck took the consequences as the only German General to leave his post voluntarily in order to show that also with Generals in leading positions there is a limit, where under the sacrifice of their position and their life they have to resign rather than to accept any more orders.

Beck was of the opinion that the General Staff was not only an organization of war technicians. Beck saw in the German Staff the conscience of the German Army, and so in this way he educated his staff. He suffered during the last years of his life under the fact that men whom he had trained in that sense did not go that way of conscience, that path of their conscience. I owe it to that man to say that he was a man of character.

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THE PRESIDENT: Dr. Dix, I think we might get on to what Beck actually did.

DR. DIX: Yes.

THE PRESIDENT: Perhaps it would be a convenient time to break off. What I mean is, the witness said that Beck protested in a memorandum and offered to resign, and that was some minutes ago, and since then he was talking and had not told us what Beck did.

DR. DIX: Yes.

THE PRESIDENT: We sill adjourn now.

(A recess was taken)

THE PRESIDENT: The Tribunal will not sit in open session on Saturday morning but will be sitting in closed session.

BY DR. DIX:

Q After the speech at Jucterberg, we considered that Colonel General Beck---when he offered his resignation, what were the details of that speech?

A Hitler and Brauchitsch both urged this, that he should remain in office but Beck refused and he insisted upon his resignation. Subsequently, both Hitler and Brauchitsch continued to ask Beck, to ask him not to have his resignation published at least and they asked him if he, Beck, would not formally defer his resignation for a few months. Beck, who hadn't gone the way to high treason at that time, believed that Frick's request ought to be complied with. This loyal attitude of his was later deeply regretted by him. The facts are, that as early as the end of May or the beginning of June, his successor, General Halder, was handling the business of the Chief of General Staff and from that moment onward, Beck no longer in effect was carrying out his duties.

Q May I ask you once more---the knowledge of these facts, you derived from which observations and what conversations, with whom?

A At that time, from continued discussions I had with Beck, after Goerdeler, schacht and a whole group of people, and the question why Beck did not publicize his retirement was weighing on his mind so much later that it was a frequent subject of all our conversations.

Q

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Q That was Beck's resignation, but then in the consideration there was the ghost of the problem of the possible resignation on Schacht's part.

Q The question of the necessity or the suitability of a resignation on Schacht's part, was that discussed as far as you know, between Schacht and Beck?

A Yes, it was discussed in great detail. It was Beck's opinion that his resignation alone might not be sufficiently effective. He approached Schacht therefore with the request whether Schacht would not in turn join Beck's resignation and resign himself. This subject was discussed in great detail between Beck and Schacht personally on one part and also on the other part between Oster and myself, who were the two intermediaries. During these conferences, I must confess that I, too, was of the opinion that Schacht should retire in all circumstances and that was the sense in which I advised him. It was Oster's opinion, however, and he asked Schacht that he should remain in office in any case, since it was necessary for the influence of Beck to bear on the generals that Schacht should remain a minister and remain in office. Respectfully, I must say here that my advice given to Schacht was wrong. The events which I shall come to describe later and will have confirmed this, how important it was for Oster and others that Schacht should remain in office.

Q That, of course, was a serious question for Schacht's conscience. You have put in evidence before this Tribunal, saying what your opinions were and what Oster's opinions were, but perhaps it may be assumed ----

THE PRESIDENT: Go on.

BY DR. DIX:

Q But now, what pangs of conscience did Schacht suffer; what were the pro's and con's of his consideration and did he discuss them with you? Did he discuss his final decision?

A Yes.

MR. JUSTICE JACKSON: I don't object to the defendants trying their case in their own way, but I do think we are passing beyond the limits of profitable inquiry here. Schacht is present; he is the man who can tell us about his conscience, and I know of no way that another witness can do so, and I think it is not a question to which the answer would have probative value, and I object respectfully.

THE PRESIDENT: Dr. Dix, I think you had better tell us as to what Schacht did, not tell us, but get from the witness what Schacht did.

DR. DIX: If I may, I should like to make a brief remark. It is true, of course, as Mr. Justice Jackson said, that Schacht knows his own reasons best and that the witness can't make statements on the subject, but in a question which is as tricky as this, and the justification of which is subject to argument -- even Justice Jackson seems to be inclined to consider Schacht's thoughts not justified at the time -- it appears to me that at least, based on our type of evidence, it is relevant for the Tribunal to hear from an eye and ear witness what considerations there were and whether they were in reality given at the time, so it may not be considered that Schacht, ex post facto, might give an explanation, which after all is a suspicion under which a defendant must always labor.

THE PRESIDENT: The Tribunal thinks that the witness can tell us what Schacht said and what Schacht did, but not what Schacht thought.

DR. DIX: Quite true, your Lordship, and he only meant to say what he, Schacht, told the witness about his opinions at that time.

THE PRESIDENT: Well, I don't think we need have any further discussion about it. The witness has heard what I have said, and you can ask him what Schacht said or what Schacht did, but not what Schacht thought.

BY DR. DIX:

Q Very well then, what did Schacht say to you regarding the reasons for his resignation?

A Schacht told me this, at the time, that after everything we had experienced there was no certainty that the generals would ever really revolt. For that reason, he as a politician considered it his duty to prepare himself for such possibilities which might bring about a change in conditions in Germany without a revolution. For that, he had a plan which he explained to me at the time. Schacht told me, "I have got Hitler by the throat." He meant by that, as

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he explained to me in great detail, that now the day was approaching where the debts which had been incurred by the Reich Bank, by the Reich Minister of Finance, and thereby the High Reich Cabinet, would have to be repaid. Schacht doubted that the Minister of Finance, Schwerin-Krosigk, would be prepared to take over the moral and legal duty of repaying the credits which had been given.

It was at that moment that Schacht thought he ought to time his resignation, with the direct threat of the Reich Bank, and he was hoping that in that situation the other ministers of the Reich, who in their majority were still civil at the time, would follow suit.

That is what he meant when he said to me, "I have still got one arrow which I can shoot, and this is the moment when von Neurath, Guertner and Seldte cannot refuse to become my followers."

I said to Schacht at that time that I had doubts that there would ever be such a meeting of the Cabinet. In my opinion, the steps which would be taken to dispose of him would be much more commonplace. Schacht did not believe me, and he told me that he would achieve one thing, that these things would have to be discussed in the Cabinet, and then he would achieve a similarly alarming situation in Germany as had existed in February 1938 on the occasion of the Fritzsch crisis. He therefore expected a reformation of the cabinet in the radical sense, which would enable the psychological interference on the part of the generals.

Q You said at the beginning that Schacht had said that he could not rely on the generals to make a revolution. Which generals was he referring to, and what did he mean?

A What Schacht meant at the time was that the first revolutionary situation which had arisen in Germany, during the months of May to September 1938 when we drifted into the crisis of the war against Czechoslovakia, was that Beck, on the occasion of his resignation, had assured us -- and I mean Goerdeler, Schacht and other politicians -- that he would leave to us a successor who would be more energetic than he himself, and he was determined to cause a revolution if Hitler should decide on a war.

That man whom Beck trusted, and whom he brought to us, was General Halder. As a matter of fact, General Halder, immediately after he came, took steps to get in touch with Schacht, Goerdeler, Oster, and our entire group, and to open conversations of that type. A few days after he took over his office, he sent for

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Oster and informed him that he considered that matters were drifting into a war, and that he would then carry out a revolutionary act. He asked Oster what he, for his part, had done to include the civilians in the plot.

Q Who were the persons in question, apart from Goerdeler and Schacht?

A Halder asked that question of Oster at that time, and since there were only a few, he replied that to the best of his knowledge he only knew two civilians with whom Halder could have preliminary political conversations; one was Goerdeler, the other, Schacht.

Halder refused to talk to a man as respected personally as Goerdeler. He based that on the assumption that it was too dangerous for him then to receive a man whom he didn't even know. Whilst there were no official motives to have a conference with Schacht, Halder asked Oster to act as intermediary for such a conference with Schacht. Through my agency, Oster addressed Schacht and Schacht was prepared. A meeting was to be arranged in a third place, and I warned Schacht and told him, "Have Halder come to your apartment to that you are sure of the facts."

Halder then visited Schacht personally at the end of July of 1938 in his apartment, and he informed him that matters had reached a stage where war was imminent, and that he, Halder, would then cause a revolution and he asked Schacht whether he was prepared to aid him politically.

Q That is what Schacht told you at the time?

A Yes, Schacht told it to me, and Halder told it to Oster, and Oster told it to me since I was the intermediary.

Schacht replied, immediately after this visit of Halder's, assuring me that he was prepared to do everything if the generals were to decide to remove Hitler.

The following morning, Halder sent for Oster. He told him about the conversation, and he asked Oster whether everything had

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now been prepared for such a revolt as far as the police were concerned. Oster suggested that Halder should talk to me personally about these matters. I had a long conference in the dark of the night with Halder about this revolt.

I believe that it is important for me to say here just what Halder stated to me as his intention at that time. First of all Halder assured me that he had no doubt whatever, contrary to many other generals, that Hitler wanted war! Halder described Hitler to me as being bloodthirsty, a drinker of blood, and Halder referred to the blood bath of the 30th of June. Halder also told me that it was, unfortunately, terribly difficult to convince the generals, in particular the junior officers, just what Hitler's real intentions were, because outwardly the slogan with which the officers corps was being influenced was still that that was only a colossal bluff, that the army could be absolutely certain that Hitler would not start a war, and that he was only carrying out a diplomatic maneuver of blackmail of a great size and scale.

For that reason, Halder believed that it was absolutely necessary that even the last captain should be given the evidence proving that Hitler was not bluffing at all, but that in fact the order for war had been given. Halder, therefore, was decided at that time to have the German nation informed, and for the sake of the officers he would even tolerate the outbreak of war.

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But even then Halder was afraid of the Hitler myth and so he suggested to me that the day after the outbreak of war one should remove Hitler by means of a bomb and to tell the German people, as far as possible, that Hitler had been killed by an enemy bombing attack on the Fuehrer's train.

I replied to Halder at that time that perhaps I was still too young but at any rate that I could not understand that at least not afterwards he would not want to tell the people, the German people, what the generals had been doing.

Then, for a few weeks there was no news from Halder. The press campaign of hatred against Czechoslovakia took a more and more threatening character and we guessed that now it would be only a few weeks or perhaps months and the outbreak of war would come.

At that very moment Schacht decided to visit Halder at his apartment once again and to remind him of his word. I thought it a good thing that a witness should bepresent during that conversation and for that reason I accompanied Schacht. I did not have the impression that Halder was too pleased about the presence of a witness. Halder once again confirmed that he was quite decided to cause a revolt but once again he wished to wait until the German nation had received proof of Hitler's final intentions to wage war by means of a final order for war. Schacht pointed out to Halder the tremendous danger of such an experiment. He made it clear to Halder that it could not possibly be tolerated that a war should start only to prove to the German nation that the legend of Hitler was false and in a detailed and very excited conversation Halder now declared that he was prepared to start the revolt not after the official start of the war but at that very moment when Hitler had given the final order to march to the armed forces.

We asked Halder whether he would then soon be able to control the situation or whether Hitler might not surprise him by a blitz. Halder replied literally:

"No, he cannot cheat me. I have designed my general staff plans in such a way that I shall know it forty-eight hours in advance."

I think that this is important considering the later development of events when the period between the order to march and the actual march itself was shortened considerably.

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Halder assured us that apart from the action in Berlin there was an armored division ready in Thuringia which was under the command of General von Hoeppner which could possibly deal with the life guard station in Munich and stop them from marching to Berlin.

Although Halder had told us all that, Schacht and I both had the impression, after that conference, that there was something bitter attached to it. Halder had told Schacht that he, Schacht, appeared to push him, press him to cause this revolt prematurely and Schacht and I were of the opinion that Halder might let us down at the last moment. We informed Oster immediately of the bad impression which we had had and we told Oster that something must be done so as to win another general over to us. Halder might not act at the last minute. Oster agreed and this is the preliminary history as to how General Field Marshal von Witzleben first turned to our circle of conspirators.

Q Who won Von Witzleben over?

A Schacht did.

Q Who did?

A Schacht did.

Oster visited Witzleben and told him everything that had happened. Consequently Witzleben sent for me and I told him that in my opinion the police situation was such that he, as commanding general of the Army Corps, stationed in Berlin, could dare to cause a revolt and Witzleben put the question to me which ever general was putting to us at that time, whether it was true that a diplomatic incident in the east could really lead to war or whether it was not true that Hitler and Ribbentrop had told the generals confidentially and confidentially again and again that there was a silent agreement with the western powers according to which Germany would be given a free hand in the east. Witzleben said in that case, if such an agreement really existed then he could, of course, not cause such a revolt. I told Witzleben that Schacht could no doubt give him information based on his excellent knowledge of the Anglo-Saxon mentality.

A meeting between Schacht and Witzleben was arranged. Witzleben brought with him the Division General von Brockdorf, who was to carry out the Putsch in practice and he joined us during thatconference. Witzleben, Brockdorf and I, together, went to Schacht's country house to have a conference which lasted for

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hours. The final result was that Witzleben felt himself convinced by Schacht that the western powers would not under any circumstances allow Germany to move into the eastern territories and that now had come the end of Hitler's policy of surprises. Witzleben made his decision that he, on his part and independently from Halder, would make all preparations which were necessary if he wanted to act.

He issued me false papers and he gave me a position in his army district so that I would be under his personal protection there and could make all the political and police preparations which might be necessary. He detailed General von Brockdorf and he and I visited all locations in Berlin which Brockdorf intended to occupy with his division from Potsdam. Von Struenk was at the wheel and we discussed the problems and made detailed investigations of what would be necessary.

I owe you a brief explanation as to why Witzleben's cooperation was so utterly necessary. It was not so easy to find a general who had the actual power and authority to have his troops march. For instance, there were certain generals in the provinces who could not give their troops the order to march.

THE PRESIDENT: Dr. Dix, is it necessary to go into the matter in such detail as to why General Witzleben should be brought in?

DR. DIX: The reasons why Witzleben should have joined are perhaps not essential for us and we can perhaps drop the subject.

BY DR. DIX:

Q Will you please, Dr. Gisevius, tell me did these military andpolice preparations which you have described come to Schacht's knowledge currently?

A Schacht was being currently informed about all these matters. We met in the evening in the apartment of von Witzleben and everything that I had done and put into writing I would show them. It was then discussed in great detail.

Q Aside from these military and police measures which you have mentioned,were political measures gone into?

A Yes, of course. We had to prepare in great detail what the German nation would be told in such a case just as there were certain preparations which had to be made regarding foreign countries.

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Q Do you mean foreign politically?

A Yes, of course, foreign politically.

Q Was the Foreign Office included or what do you mean when you say "foreign politically"?

A It is very difficult to give an explanation because the contact with foreign countries during war time or immediately before the war is a matter which can only be discussed under difficulties and we are touching upon a very difficult and tricky subject. If I am to talk about it then it is at least as important that the dates and the timing of what I say should be mentioned and what caused the people in question to get into touch with foreign countries.

Q I am quite sure that the Tribunal will permit you to do so. I think that the Tribunal will allow you to do so.

THE PRESIDENT: I think the Tribunal thinks you are going into too great detail over these matters.

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DR. DIX: But, in my opinion, I should have to touch upon the seriousness and intensity of the activities of these conspirators, and I should substantiate them in detail. I don't really think it is enough that some one had such plans.

THE PRESIDENT: But you have touched upon them since 10 o'clock this morning.

DR. DIX: Your Lordship, I am now using the technique of letting the witness tell the political developments.

THE PRESIDENT: I am told that you said last night that you would be half hour longer. Do you remember saying that? Perhaps it was a mis-translation.

DR. DIX: Oh no, that is a terrible misunderstanding. I said that if I wer to touch upon the Fritsch crisis and complete it, then that would take a half hour; that is, the Fritsch crisis alone.

Gentlemen of the Tribunal, this is the situation. We are now hearing the work and the history of the political opposition, in which Schacht played a leading role. If the defendant Goering and others had time to tell the story of th events from their point of view, for days, then I think it would be a matter of justice that those men too, who are represented in this court room by the defendant Schacht who fought against that system under the most terrible conditions of terror, should also be given a chance to tell the story of their opposition.

I would , therefore, ask the Tribunal -- and I am not referring to superfluous things now -- to give me permission so that the witness may complete his story of the measures taken by the conspirator's group, Schacht, Canaris, and others. I consider that of the greatesr importance. And I assume, Your Lordship that if it is not done now, then the prosecution will very probably do so during cross-examination; and since it is now being told coherently, it will probably occupy less time than if we had to wait for the cross-examination by the prosecution.

THE PRESIDENT: The Tribunal does not propose to tell you how you are to prove your case, but they hope that you will deal with it as shortly as possibl and without unnecessary details.

DR. DIX: Please, gentlemen, be convinced of that.

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BY DR. DIX:

Q Well then, witness, you had mentioned the foreign political measures and you were just going to talk about the motives which some of you had when you called upon foreign countries for support of your movement. Will you talk about that briefly?

A I should like to confine myself to the statement that beginning at that very moment there were considerable and substantial discussions with foreign countries so as to try absolutely everything to prevent the outbreak, or at least the spreading, of that war. However, as long as I am not in a position to bring up the motives of such an extremely tricky matter, where at least in Germany we had been accused of high treason -- as long as that is the case, I shall not say more than just the fact that these conversations had taken place.

Q I did not understand that the Tribunal was going to prevent you from producing your motives. Therefore, you may state them.

A I owe it to my conscience, but most of all I owe it to those of us who are now dead, that I should state here that in those matters which I have described we suffered from tremendous pressure upon our consciences. We knew that we would be accused of conspiring with countries abroad.

THE PRESIDENT: The Tribunal, of course, knows that these matters were not conducted without danger, but we are not really here for the purpose of considering people who have, unfortunately, lost their lives. We are considering the case of the Defendant Schacht at the moment.

DR. DIX: I think the witness' intentions have been misunderstood. He was not going to talk about those men who had lost their lives, and he does not want to talk about the dangers. He wants to talk about the conflicts of their consciences, which was suffered by those who inaugurated those steps and who undertook them. I think that privilege should be granted the witness if he is to talk about this very delicate matter in public here.

I should, therefore, beg you to allow it. Otherwise, the witness will confine himself to general hints which do not help my defendant, and I am sure that the prosecution, perhaps, would ask him that question anyway.

THE PRESIDENT: Will you try and get him to come to the point? We, of course, can't tell what he wants to talk about. We can only tell about what he does talk about.

BY DR. DIX:

Q Well, then, please describe briefly the motives which stood behind those who took up these connections, and I think you ought to refer to the actual connections you made.

A Mr. President, it wasn't a question of conscience. I was concerned with the fact that dependents are still alive who may be subject to unjust accusations, and that is why I had to say, with reference to those conferences abroad which I shall describe, that our more intimate friends too were not aware of, or had not decided upon the measures which were admissible. One went further, while another considered himself more limited.

I owe it to the memory of the dead Canaris, for instance, that certain mistakes which had been made in the reports of the press should be rectified, that he had turned around to conspire with foreign countries. And I must oppose the fact that anything I might say now should be applied to men whom I had mentioned earlier. That is the reason why I wanted to make that statement.

Then, simultaneously, I wanted to say that those of our friends who did that sort of thing refused to be accused of high treason, because we felt that these attempts were our humane duty.

Q Well, then, what happened?

A What happened was this. Immediately after Hitler announced his

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intention to bring war to Czechoslovakia, friends currently attempted to inform the British Government of the first intention, until the last decision. The chain of these attempts began with the journey of Goerdeler in the spring of 1938 to London, where he talked about the existence of such an opposition group, saying that they were resolved to take the last step. In the name of that group the British Government was continuously being informed about what was beginning to happen, and that it was absolutely essential that the German people should be clearly told, and so should the generals, that every step across the Czech border, as far as the Western Powers were concerned, would be a reason for a war.

When the crisis reached its climax and when our preparations had been completed to the last detail, we took a step which was unusual because of its form and context: we had the British Government informed that during the pending diplomatic negotiations there would not, as Hitler stated, be the question of the Sudeten countries discussed only, but that Hitler had decided to bring war to the entire Czechoslovakian State; and that if the British Government were to remain firm, we in turn could give the assurance that the war would not happen.

That, at the time, was our attempt to create a certain amount of assistance from abroad in our fight for the psychological preparation of a revolution.

Q We now come to September of 1938 and the crisis which ended in the Munich Conference. What were the activities of your conspirator's group at that time?

A The more the crisis was coming to a head, the more we tried to convince Halder that he should cause that revolution at once. When Halder didn't seem to be quite clear about the facts and the actions, Witzleben prepared everything in great detail. I shall only describe the last two dramatic days.

On the 27th of September it had become abundantly clear that Hitler was going out to the lastin order to make the German people interested in a war. He ordered a raid of the armies in Berlin, and Witzleben had to carry it through. The effect the raid had was exactly the opposite. The population, being under the impression that these groups were going to war,

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showed openly that they were not pleased, and the troops did not receive enthusiasm, but, instead, clenched fists.

Hitler, who was looking at the parade from the window of the Reich Chancellery, had an attack of fury. He stepped back from his window and said, "With such a people I cannot run a war." Witzleben, in turn, discussed it and said that he would have liked to have had troops, with bayonets, outside of the Reich Chancellery.

Q Did Witzleben say that he wanted to do that outside of the Chancellery? And where do you derive your knowledge from regarding Hitler's remarks when he stepped back from the balcony?

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A Several people from the Reich Chancellory told me about that.

Q And now to continue.

A The following morning--this was the 28th--we believed that now the opportunity had come to start the revolt. On that morning too it had become known to us that Hitler had received the last offer from the British Prime Minister Chamberlain and had turned it down, andthat an intermediary Wilson, had taken back a negative answer.

Witzleben received that letter and took it to Halder. He believed that now the proof for Hitler's will for a war had been established, and Halder agreed. Halder in turn visited von Brauchitsch while Witzleben was waiting in Halder's room. After a few moments Halder came back and said that now Brauchitsch too had realized that one would have to act and that he was merely going over to the Reich Chancellory to make quite sure whether Witzleben and Halder's description was correct.

Brauchitsch went to the Reich Chancellory after Witleben had told him over the telephone that everything was prepared. That is that midday of the 28th of September, when suddenly and against our expectation Mussolini's intervention took place in the Reich Chancellory and when Hitler, under the impression of Mussolini's step, agreed to go to Munich. So that in fact in the last hour the action was made impossible.

Q You mean through Munich, don't you?

A Yes.

Q And now Munich was over. What were things like in your group of conspirators?

A We were extremely depressed. We were convinced that now Hitler would take his last step, and quite soon. We did not doubt that Munich was the signal for the world war. Some of our friends were wondering whether they would emigrate, but Goerdeler and Schacht, with whom it was discussed, reacted differently. Goerdeler, under this consideration, wrote a letter to a political friend in America in which to him he put that question expressedly--whether the opposition people should now emigrate. Goerdeler said, "There is only one other possibility, and that is that by other methods we will be able to continue our political work in Germany."

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We decided to hang on, and things hurried along past the Jewish pogroms to the occupation of Prague.

Q But before we come to Prague, witness, you have mentioned the Jewish pogrom in November, 1938, I take it. Do you know or can you recollect how Schacht acted on the occasion of these events?

A Schacht was disgusted about the Jewish pogrom, and he said so in a public speech before the personnel of the Reichsbank.

Q I shall submit that speech later as evidence. And then how did things go on from there? We have come to the end of 1938. Were there new political events coming over the horizon which were stimulating to you conspirators?

A First of all, there was the sudden dismissal of Schacht from the directorate of the Reichsbank, and Schacht's wish that the cabinet would consult did not come true. Ourhopes to cause a cabinet crisis did not fulfil themselves. Thus our opposition group had no starting point, and we had to wait to see how things would develop. On the occasion of the conquering of Prague--

Q I am going to mention Schacht's resignation or dismissal from his position as president of the Reichsbank. Do you know anything about these events and the accompanying circumstances and tha affect these things had on Schacht?

A I experienced the drafting of the various letters and memoranda in the Reichsbank, which became less and less strongly worded. I was there when the dismissal came. A few minutes after the letter of dismissal had arrived from Hitler Schacht read it to me, and he was disgusted about the contents. He repeated to me that passage in which Hitler is praising him because of his participation in the German rearmament program, and Schacht said, "And now he is even trying to pin me down to his policy of war."

Q But then Schacht remained as minister without portfolio. The problem whether to do so or not, or whether he could have acted differently, was that ever discussed between you and Schacht at the time?

A Yes, but as far as I know it was the same type of conference

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which happened whenever he wanted to resign. He talked to Lammers, and I assume that Lammers gave him the customary reply.

Q In other words, you mean that he thought he had to remain, that he was forced to remain?

A Yes.

Q Now, you have made several attempts, but I interrupted you, to speak about Prague. Will you please describe the effects upon your group of conspirators, as far as Schacht was included?

A Since December our group had definite proof that Hitler would attack Prague in March. This new action was cynically called the "March Uproar." Since it was quite openly discussed in Berlin, we were hoping that news of this action would reach the American and British embassies. We were firmly convinced that this time there would not be a successful surprise. But Halder had already adopted a different view. He thought that Hitler had been given a free road to Prague by the western powers, and he refused to have preliminary conferences and wanted to wait. Whether this Prague action could be achieved without a fight, that of course happened.

Q I think you have already talked about the steps regarding the British and American embassy.

A Oh, no, I haven't.

Q Were you going to talk about it? Do you have something to say?

A I have said that we did not take any steps, but that we were hoping that the news would reach the embassies.

Q Now, then, Prague is over, and I believe that you and Schacht went to Switzerland together on behalf of your group, is that correct?

A Not only together with Schacht but also together with Goerdeler. We were of the opinion that Prague would have incredible psychological effects upon the Germans. As far as foreign countries were concerned, Prague was the signal that there was no peace one could make with Hitler. But inside Germany we had to notice unfortunately that now the generals and the people were convinced that this Hitler can do whatever he wants to do; nobody will stop him; he is protected by Providence. This, of course, alarmed us. On one side we saw that the western powers were now no longer allowing those things to happen. On the other side we saw that within

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Germany the illusion grew that the western powers would not go as far as a war. We could see that a war could only be prevented if the western powers would clearly not only tell the foreign minister and not only Hitler, but with all means of propaganda tell the German nation that now any further step towards the east would mean war. That appeared to us to be the only possibility to warn the generals and to get them to revolt. In the conversation which Schacht, Goerdeler, and I were having outside, in Switzerland, immediately after Prague, that is what we were aiming at.

We met a man who had excellent connections to the British and French governments. This man reported very exactly, at least to the French government. That is something to which I can testify, because I have seen a copy of his report later after Paris was occupied. It was found among the secret papers of Daladier.

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This man was informed in great detail, and we told him that, at the latest, in the autumn the fight for Danzig would start. We told him that we as good Germans were without doubt of the opinion that Danzig was a German city and that one day that point would have to be discussed peacefully; but we also warned him that these conferences regarding Danzig were now being conducted in their particular way because Hitler didn't only want the whole of Poland; and because he didn't only want the whole of Poland but the Ukraine; and that was the reason why the foreign propaganda machine should become effective in Germany and make it abundantly clear that the limit had now been reached and that the Western powers would intervene. We said that only that would give us the possibility for a revolution.

Q And did that confidence man report at that stage as you had said?

A Yes, he had; and I must say that quite true public statements on the part of the British, partly through the radio and partly through the press, made in the House of Commons began to remove these doubts on the part of the German generals and the German people. Beginning at that time everything had been done by the British that could be done to alarm the German generals.

Q Did not Schacht meet his friend Montague-Norman in Switzerland at that time and did he talk with him in the same sense? Do you know? Were you there?

A Yes. We thought that the opportunity for Schacht to talk to a great friend of Prime Minister Chamberlain should not be allowed to pass, and Schacht had a very detailed discussion with Montague-Norman, so that he, too, would understand thepsychological atmosphere in Germany after Prague, and because he wanted to persuade him that the British Government should now carry out the necessary clarifying steps.

Q Wasn't the word predominant? You must say the Nazis were up against it in Germany at that time/

A Yes, it was the sense of all our discussions. We wanted it made clear to the German people that the Western powers weren't against Germany but only against those Nazis and their policy of suprise and their methods of terror, both in the country as well as outside.

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Q And now, having come back from Switzerland, what happened next, particularly with reference to Schacht?

A We saw that things in Germany were drifting more rapidly towards the crisis of August and that the generals could not be deterred from the view that Hitler was only bluffing and that there would only be another Munich or another Prague. And now all those desperate efforts began, which we made in order to influence the leading generals, and, in particular, Keitel, hoping that the final order to march against Poland would not be given.

Q But let's come back to Schacht's return from the Swiss journey in spring of '39. You know that Schacht left Germany and made a journey to India?

A He went to India and he hoped that he could stay there as long as possible; then to go to China. But on the way the order reached him, coming from Hitler, that he was prohibited from touching upon Chinese soil and that he had to return. He came back a few days before theoutbreak of war.

Q Did Schacht have sympathies for Chiang-Kai-Chek against Japan?

A Yes, he did. He sympathized to quite an extent with the Chinese Government, just as we all did. We all have quite a number of good and dear Chinese friends with whom we attempt to keep in touch because of the Japanese agreement pact.

Q When did Schacht come back, roughly, from India?

A I think it was the beginning of August; I'm not certain.

Q Now, the first turning towards war. Did Schacht, before the outbreak of war, take any steps to prevent the outbreak of war?

A He took a large number of such steps, but I must describe these individually since that would create the impression that only Schacht was taking these steps, whereas, in fact, the situation was that a large number of people were now fighting and that everybody took just those steps which were most obvious to him, and everybody informed the other regarding what he had done and if the other considered that suitable. It is for that reason that I am afraid that it would be a completely

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erroneous picture if I described individually only those steps taken by Schacht personally, leaving out all the other desperate efforts made in August '39 until the attack on Holland and Belgium.

Q The Tribunal has taken cognizance of the fact that not only Schacht was doing something, but, after all, we are talking about Schacht's case and I should like to ask you, therefore, to confine yourself to the description of Schacht's efforts.

A In that case I must say, first of all, that Schacht and I knew of all these matters and were in fact fellow perpetrators. As far as he is concerned, I can only say at this particular moment that Schacht was a fellow author of the Thomas memorandum, addressed to General Keitel, or in fact the two memoranda, in which Schacht, together with our group, pointed out the dangers of war to Keitel. And, further, I can say that afterwards Schacht, through Thomas and Cararis, was taking steps to intervene with Brauchitsch and Halder. But I must emphasize that all the steps taken by Beck and Goerdeler were taken with full knowledge of Schacht and all his participants. This is a very large action.

Q But doesn't an attempt of Schacht's play a special part that at the very last moment, at the end of August, Canaris was used to approach Brauchitsch?

A Yes. After the attempt of Thomashad failed, after these two memoranda had failed, and after Thomas had talked to Keitel and asked him to see Goerdeler, Schacht had failed. Schacht tried to approach Brauchitsch or Halder. For that purpose Halder paid frequent visits to General Halder and it was typical that during those critical days he could not get past the anteroom of Halder's office and that he could not get past General von Stuelpnagel. Halder denied his presence and had only a message delivered that he didn't want to see Schacht. Subsequently, on the dramatic 25th of August, we took yet another step; that is the day when Hitler had already once given the order to march. As soon as the news of that reached us, the news that Hitler had given the order to march to Halder, Schacht attempted, together with me, first of all, to get in touch with Thomas and then, together

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with Thomas, we went to see Admiral Canaris, so that both Thomas and Canaris should accompany Schacht when he without previous announcement would go to the headquarters to the Fuehrer, so as to put Brauchitsch and Halder before the accomplished fact of his being present there.

Schacht intended to point out to both Brauchitsch and Halder that in accordance with the existing constitution, before the outbreak of a war, the Reich Cabinet should be heard. Brauchitsch and Halder would commit perjury if they, without knowledge of the political influences concerned, would give an order for a war. That generally or in principle was what Schacht intended to say so as to give a motive for that step of his.

When Thomas and Schacht arrived in the Bendlerstrasse, Thomas went straight to Canaris.

DR. DIX: It was the OKW, My Lord, situated on Bendlerstrasse. He meant the OKW or the OKH, rather.

A (Continuing) When we arrived, the OKW were waiting at a corner downstairs at the street. Canaris was sending Oster down to us. And that was the moment when Hitler suddenly, between six and seven in the evening, withdrew his marching order to Halder. The Tribunal will no doubt remember that Hitler, impressed by the renewed intervention on Mussolini's part, quite suddenly withdrew the marching order which had already been given. Unfortunately, Canaris and Thomas and all our friends were now under the impression that this withdrawal of an order to march was an unheard of loss of prestige for Hitler. Oster thought that it was unparalleled in the history of war that a supreme commander had withdrawn such an important order in the cause of a nervous breakdown. And Canaris said, "Now the peace in Europe is saved for fifty years, because now Hitler haslost all reputation before the generals." And, unfortunately, because of this psychological change, we all became victims of the impression that we could look forward to the following days peacefully.

That was how it was possible that when Hitler, three days later, gave the decisive order to march, this was a surprise, a total surprise for our group as well. Oster called me to the OKW. Schacht accompanied me. And when we asked Canaris whether he couldn't arrange a renewed conference with

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Brauchitsch and Halder, Canaris said, "It is too late now." He had tears in his eyes, and he said, "That is the end of Germany."

DR. DIX: Your Lordship, we now come to the war, and I think that we perhaps better deal with the war after lunch.

(A recess was taken until 1400 hours.)

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Official transcript of the International Military Tribunal, in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 25 April 1946, 1400-1700, Lord Justice Lawrence presiding.

HANS BERND GISEVIUS - Resumed

DIRECT EXAMINATION - Continued

BY DR. DIX:

Q Dr. Gisevius, before the morning recess we had just arrived at the discussion of the outbreak of the war, and so that your subsequent testimony may be understood, I have to ask you first what use you were put to during the war.

A On the day of the outbreak of the war with a forged check I was called in by General Oster. Since it was a regulation that all officers or other members of the Abwehr had to be checked by the Gestapo, and since I would never have received permission to be a member of the Abwehr, they just used the means of giving me a forged mobilization order. Then I was at the disposal of Canaris without doing any direct service.

Q And what was the conspiracy activity of your group, a group whose constituency you have already mentioned? Who participated in this group, and what was done?

A Immediately after the outbreak of the war, General Beck was at the head of all oppositional movements, all oppositional movements which were active in Germany with the exception of the Communists with whom we were not in touch at that time. We were of the opinion that only a General could have the position of leadership during the war, and Beck was so far above the purely military that he was the man to unify all groups from the left to the right. Dr. Goerdeler was called in as his first assistant.

Q Therefore, the men who participated in this group were just Schacht and Goerdeler?

A Oh, no. I must add something. On the contrary, now all oppositional groups who had just had vague connections with each other, now they were unified, and especially the left oppositional movement, which had

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been decimated in the first years since their leaders had been interned.

Especially the left side came in with us, and in this connection I would like to mention Leuschler and Dr. Karl Muehlendorf, but I must also recall Dr. Habermann, Dr. Kaiser, the Christian and Catholic circles, the leaders of the other religious movements, and the political men like Ambassador von Hassel, State Secretary Plank, Minister Popitz, and many, many others.

Q What was the position of these leftist circles, especially as to the question of a Putsch or of a forceful doing away with Hitler or a plot on him? Did they have the same thought that perhaps a plot of an assassination, which later took place, might come through?

A No, the leftist circles were under the impression, and very strongly, that the Dolchstoss legend had done much damage, and the leftist circles believed that they did not want to expose themselves to the danger that it could be said later on that Hitler or the German Army had not been conquered at the front. The leftist wing had been of the opinion for years that now it must be proved to the German people at all costs that militarism had murdered itself in Germany.

Q I have here, and have already suggested it to the high Tribunal, a letter which you, Doctor, wrote approximately at this time--that is, about the end of 1939--which you smuggled to Switzerland for Schacht. It is a letter to the former president of the International Bank at Basel, and then president of the First National Bank of New York. This is a man of influence, and who probably had access to President Roosevelt.

I had the intention to read this letter, but while we were discussing the admissibility of evidence I submitted the most essential points, and since Justice Jackson does not have the document book before him and remarked just a little while ago that he did not like it especially if I were to start using documents,

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I will dispense with carrying through my original intention. I will read this letter later on when I cite my documents, but in order to refresh the witness' memory about this letter, I will give you the quintessence of the contents of the letter, that Schacht made the suggestion to Frazier that now the moment had come--

MR. JUSTICE JACKSON: I make no objection to the use of the letter from Schacht to Leon Frazier as one banker writing to another. If you want to claim that Mr. Frazier was influential with President Roosevelt, I should want you to prove it, but I have no objection to the letter.

DR. DIX: The letter is dated the 14th of January 1946. I will not read it in its entirety, for there are six long pages.

THE PRESIDENT: What date was it?

DR. DIX: I had the wrong letter. The 16th of October 1939. It will be Exhibit Number 31 in my document book.

"It is said that now would be the proper moment so that President Roosvelt could give peace to the world."

THE PRESIDENT: Is the letter from Schacht?

DR. DIX: Yes, written by Schacht to Frazier.

THE PRESIDENT: Do you have proof for the letter?

DR. DIX: If the High Tribunal would prefer it that way, then Schacht can use that letter, Then in that case I will only ask the witness whether it is true that he smuggled this letter into Switzerland. May I do that?

BY DR. DIX:

Q Please answer the question witness.

A Yes. I took this letter to Switzerland and mailed it there.

Q Very well. That happened in the sense of the bringing about of peace, or against the expansion of war. As far as your group is concerned, that is, your oppositional or conspiracy group, did you carry through other foreign political activities?

A The decisive point for us was to prevent the expansion of the war with all means at our disposal, and the expansion of the war could be done through Holland, Belguim or Norway. We knew and saw clearly that if a step was taken in this direction, tremendous consequences, not only for Germany, but for all of Europe would result. Therefore, with all the means at our disposal we wanted to prevent the spread of the war in the West.

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After the Polish campaign, immediately thereafter, Hitler decided to move his troops from the East to the West, and to bring about the attack on Holland and Belgium and to violate their neutrality.

We believed that if we could sicced to prevent this attack in November that during the coming winter months we would gain so much time so that the individual Generals at the top, such as Brauchitsch and Halder and the leaders of the army groups, could be convinced by us that they should at least oppose the expansion of the war. Brauchitsch and Halder evaded and said it was too late now, that the opposition would fight Germany to the end and destroy her; but we did not share this opinion. We believed a peace with honor was still possible, and what I mean by honor is that we of course would eliminate the Nazi domination until the very end.

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The purpose of showing and proving to the generals that the foreign countries did not wish to destroy the German people but wanted to protect themselves only against the Nazi terror, for that proof we undertook allpossible steps abroad and a small fragment in the attempt was the letter written by Schacht to Frazier (?), which was confirmed with hintings and showing that certain domestic political developments were imminent and that if we could gain time, that is, after we had lived through the winter, we could interest the generals in a putsch, in a revolution.

DR. DIX: May I interrupt you for a moment. I would like to call the attention of the Tribunal to the fact that the witness is referring to a hint contained in the letter. This letter is in English. I have no German translation and I must therefore read this sentence. It is that "the earlier discussions would be opened, the easier it will be to influence the development of existing conditions."

BY DR. DIX:

Q Now, I would like to ask you: What did Dr. Schacht mean with the words "certain existing conditions are to be influenced," did he mean your efforts and aims?

MR. JUSTICE JACKSON: I must interpose an objection. I am not sure whether you have misunderstood it. I think that what Schacht meant is not a question to be addressed to this witness. I shall have no objection to Dr. Schacht telling us what he meant by his cryptic language, but I don't think that this witness can interpret what Schacht meant unless he has some information apart from anything that now appears. I don't want to be over-technical about this, but it does seem to me that this is the sort of question which should be reserved for Dr. Schacht himself.

DR. DIX: Mr. Justice Jackson, of course, is correct but the witness said the letter was sent to Switzerland and I assume he discussed the contents of the letter with Schacht and would therefore be in a position to explain the cryptic words.

THE PRESIDENT: He didn't say he had; he hasn't said he ever saw the letter except the outside of it. He hasn't said he ever saw the letter.

BY DR. DIX:

Q Will you please tell us whether you saw the letter or knew its

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contents?

A I beg your pardon, but I did not see much, see the matters clearly. I helped in working out the letter. I was there when the letter was drafted and when it was written.

DR. DIX: Then I believe Justice Jackson will withdraw his objection.

MR. JUSTICE JACKSON: Yes.

BY DR. DIX:

Q Will you please answer my question as to what is meant by cryptic words?

A We wanted to suggest that we in Germany were interested in forcing certain developments and now that the expected and encouraging word from the other side -- but I do not want any misunderstandings to arise here. In this letter it is also shown very clearly that President Roosevelt had been disappointed on many scores to the German side, so that we had to ask him and beg him to take up steps. President Roosevelt had taken various steps.

Q Now, if I may give you the clue word, Vatican action?

A Along side this attempt to enter into conversations with America, we tried to get a declaration from the British Government, and we were interested in it and again it was out attempt --

THE PRESIDENT: Is the original of this letter still available or is this only given from memory?

DR. DIX: The original document, yes, that is a letter signed by Schacht. That is here and that was kept during the war in Switzerland and now brought back for statements by this witness.

BY DR. DIX:

Q Now, let us turn to the Vatican Action.

A We tried at all cost to prove to General Halder and Obeis ? that this theory was wrong, that there could be no more dealings with a decent German government. We believed that we would have to follow a certain way and a sure way. The Holy Father was trying himself to bring about some sort of solution in this matter, for the British Government had become unsure, and rightly so, whether the trustworthy group was existing in Germany, a group with which it could actually talk and I remember that

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shortly thereafter the Venlo incident took place at which, under the excuse of a German oppositional group, people who were under the English Secret Service had been kidnapped at the Dutch Border. Therefore, we were interested in proving that here there was a group which washonestly trying and which would stand by its word, positively and negatively, and I believe we kept our word in what we said equally truthfully and friendly, that we could not bring about this putsch as we said before but that was our hope. These negotiations took place, started during October and November 1939. Later on, in the spring, they were concluded and when I am asked I shall continue.

Q Please tell us about the conclusion of these associations?

A In the spring--I believe I never mentioned that, during November of 1939, actually General Halder was concerned with putsch intentions and that these intentions came to naught, for at the very last minute Hitler called off the Western Offensive--confirmed by the position of Halder at that time, we believed that we should continue these negotiations and discussions at the Vatican. We reached what you might call a gentleman's agreement and I believe that I may say and make the assertion, that we could give the generals unequivocal proof, but in the case of the downfall of the Hitler regime, an agreement with a decent civil German government, that agreement could be reached.

Q Did you see all these proofs and materials of this?

A These were oral discussions which were put down in writing later in a comprehensive report and this report--Dr. Schacht and Hassell worked with these reports before it was given to Halder by Thomas. Halder was quite taken with this and gave this report to von Brauchitsch. Brauchitsch was dismayed and threatened to arrest the middleman Thomas; then this action had come to naught.

THE PRESIDENT: Dr. Dix, the last notes that I have got down in my notebook are these, "that we knew that if Holland, Belgium and the other countries were attacked, it would have very grave consequences and we therefore negotiated with Halder and Brauchitsch and they weren't prepared to help us to stop the war at that time. We wanted peace with honor,

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eliminating politics. We took all possible steps." Well, now, since I took those notes down, I think we spent nearly ten minutes in details which are utterly irrelevant about further negotiations. If they took all possible steps, what is the point of giving us these details about it?

DR. DIX: Your Lordship, if a witness is called in a matter of such tremendous importance where he has always to figure with the counsel of accused, and must believe that people who are of a different opinion from his, these are just generalities, please give us particulars and facts; and then I cannot dispense with the facts that the witness must testify to a thorough negotiation with the Pope in the Vatican, than if he just said that the result of this action was a comprehensive report which was submitted --

THE PRESIDENT: I agree with you that the one sentence about some negotiations with the Vatican may have been properly given but all the rest of it were unnecessary details.

DR. DIX: We have concluded this chapter, your Lordship.

BY DR. DIX:

Q Witness, you have already testified that the putsch was planned in November but that it did not arise because the Western Offensive did not arise; therefore, we need not enter into this conversation. I would like to ask you at this point, during the winter and spring, was the winter and spring uneventful as far as your group is concerned or were further plans made and whether acted upon?

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A I was continually to infl ence all accessible generals, except Halder and Brauchitsch. Aside from these two gentlemen, we tried to reach the generals in the West.

I would like to call your attention to a discussion between Schacht and General Hoepner. We also tried to reach Field Marshal Rundstedt, Bock, and Leeb, and tried to influence them also. But here, General Thomas was an intermediary.

Q And how did they react, these generals?

A When everything was ready, they marched.

Q Now, we are coming to the summer of 1941. Hitler is in Paris. The aerial offensive against England is imminent. What was the picture at that time in your group and in your activity as conspirators?

A After Paris, our group was without influence for months. The success of Hitler influenced everyone, and it took much effort on our part to use all the avenues of approach open to us and to try at least to prevent the bombardment of England. Here also again the group acted in unison, and we tried, through General Thomas and Admiral Canaris and others to prevent this disaster.

Q Do I understand you correctly that when you use the word "group" you mean the group which was led by Beck, in which Schacht participated?

A Yes.

Q Now, tell us please, at that time weren't there again conversations by Schacht in Switzerland?

A That was a little bit later. In the meantime, in 1941, and after this journey of Schacht's into Switzerland, he tried to plead for a peace conference as soon as possible. He knew that Hitler was concerned with the attack on Russia, and we believed that we should do everything to avert, if possible, this disaster.

With this thought, Schacht had discussions in Switzerland, and I myself took part in the bringing about of a dinner with Mr. McKittrick, which took place in Basel, and I know that Schacht tried to express the thought that everything would have to be done to initiate negotiations.

DR. DIX: In this connection I would like to remind the Tribunal most respectfully that an article in the Basler Nachrichten, which I read

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when we discussed the admissibility of documents, deals with the meeting of Schacht and an American economist. That article deals with the same journey which the witness is discussing now, and I would like to refer to that later.

BY DR. DIX:

Q Now, the war was on. Do you have anything to say about the imminent war with Russia and the actual war with Russia?

A I can say only that Schacht made many attempts to avert this catastrophe.

Q Now, let us turn to the time of Stalingrad. What happened and what was done by your group after this critical period in the war?

A Since we had not succeeded in influencing the successful generals to a Putsch, we then tried to win them to a Putsch when they had met disaster and this huge catastrophe.

The catastrophe, which found its first expression in Stalingrad, had been predicted by Beck since November of 1942. Immediately, we made all preparations because this had been prophesied with almost mathematical exactitude when the army of Paulus had been defeated and had to capitulate, so that even at this period of time a military Putsch could be organized.

I myself was called back from Switzerland and participated in all discussions and preparations. I can testify to one point, that this time much had been prepared for keeping in touch with Field Marshal Witzleben. Again, things turned out differently because Field Marshal Paulus capitulated, did not give us the cue word, which Kluge, to start the Putsch in the East.

Q Was this the time of the so-called Schnaberndorf?

A No, that would be a little later.

Q Then I have an intermediary question. Up to now you have told us the aim of Beck's group, and you described it as a Putsch movement. That is a group which wanted the downfall of the government. Wasn't the aim increased now, so that we may speak of an assassination?

A Yes. From the moment when the general again deserted us, we saw that a Putsch was not to be hoped for, and from that moment on we tried

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to take every step to bring about an assassination.

DR. LATERNSER (Counsel for the General Staff and OKW): Mr. President, I must object to the testimony of the witness Dr. G isevius. His testimony has incriminated the group which I represent, but this testimony is so general that it cannot be referred to as fact. Furthermore, he has just said that the Field Marshal in the East

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had deserted his group. These expositions are judgments of the witness, but they are not fact.

I would like to conclure with the fact that I suggest and ask for a resolution by the Court that the testimony of the witness as made, in which he asserted that the general had deserted and had let his group down, be stricken from the record.

DR. DIX: May I please reply briefly I am sorry I cannot agree with the opinion of my valued colleague in objecting to the statement that the generals let them down and saying that it was not the testimony of the facts.

THE PRESIDENT: I don't think we need to hear further argument upon it. It certainly won't be stricken from the record until we have had time to consider it, and Dr. Laternser will have his opportunity of examining this witness and he can then elucidate any evidence he wants to.

DR. LATERNSER: But, Mr. President, if I put the motion with the reason that the witness is giving testimony which is far above his scope as a witness, and that he is giving his judgment, it seems to me a matter of testimony which is inadmissible and should be stricken.

THE PRESIDENT: If you mean that the evidence is hearsay, that will be perfectly obvious to the Tribunal, and doesn't make the evidence inadmissible, and you will be able to cross examine him about it.

DR. LATERNSER: Mr. President, I may have been misunderstood. I am not basing my request that it be stricken from the record on the allegation that the witness made statements from hearsay, but I am just saying that he is stating a judgment. He is not giving reasons for facts, and he says that the general in the East let his group down.

DR. DIX: May I answer briefly with just one sentence: If I try to influence a group of generals for a Putsch, and if they do not Putsch, that is a fact and I can say about this fact, "They let us down." I can only say, "They did not Putsch", but that is merely a matter of expression, but both are fact and not judgment. We are concerned with the action of the general in an ethical or military sense.

THE PRESIDENT: Go on.

BY DR. DIX:

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Q Then, if I recall correctly, you were just about to tell us that now the policy of the conspirator group changed from Putsch to an attempt at assassination, is that correct?

A Yes.

Q Can you tell us anything further about this item?

A You had asked me about the first step. Since Beck had given up all hope of bringing the generals to a Putsch, at that time it was said, "Now there is nothing left for us but to free Germany, Europe, and the world through a bomb attack."

Immediately after this decision, the preparation for this was started. Oster talked with Lahousen. Lahousen took the bomb from his arsenal. The bomb was taken to the headquarters of Kluge at Smolensk, and with all means we tried to bring about the assassination and the assassination was unsuccessful only because at the occasion of Hitler's visit to the front, the bomb which had been put in his airplane did not explode. This was in the spring of 1943.

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Q Now, in the Abwehr, OKW, something took place which influenced matters, which influenced Schacht and also as to your remaining in Germany. Willyou please describe that?

A Gradually Himmler could not help but see what was going on in the OKW and at the request of Schellenberg an investigation against the group Canaris was started. A special conference was called on the first day of this investigation and Oster was dismissed from his office and a number of his colleagues were arrested. A short time thereafter Canaris was dismissed from his post. I myself could not remain in Germany after this time and this group which had carried on this conspiracy had been eliminated.

Q At this time, that is in January 1943 we have the dismissal of Schacht as Reich Minister without Portfolio. Were you together with Schacht at about that time?

A Yes. By accident I happened to be in Berlin on that day and I saw how this letter of dismissal arrived. It was an unusually sharp letter and I remember that during the night I was asked to the country estate of Schacht and since it stated in the letter that Schacht for the time being was to be dismissed we were wondering whether he was to be arrested.

DR. DIX: I would like to remind the Tribunal that I read this letter when Lammers was examined and this letter of dismissal from Hitler to Lammers has been read into the record and is contained in my document book.

BY DR. DIX:

Q You have been in Switzerland but on the 20th of July you were in Berlin. How did that happen?

THE PRESIDENT: You mean the 20th of July, 1944?

DR. DIX: Yes, the well-known day of the20th of July. We are almost at the end now.

A (Continuing) A few months after the elimination of the Canaris-Oster circle or group General Olbricht was interested in founding a new group. At that time Count von Staufenberg went into action. He replaced Oster in all activities and after several months and after many unsuccessful attempts and discussions in July 1944, when matters were ripe, I secretly returned to Berlin in order to participate in those events.

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Q You had no direct connection with Schacht at this attempted assassination?

A No, I personally was at Berlin, saw only Goerdler, Beck and von Staufenberg and it was agreed expressly at this time that no other civilian except Goerdler and Lauschner and myself were to be instructed and informed in this matter. We tried to spare and protect lives so that we did not initiate anyone except those we had to.

Q I am now turning to my last question, which I would like to put to you.

Schacht had high positions of state under the Hitler regime. You, doctor, were as is shown by your testimony today an arch enemy of the Hitler regime. Despite that you had, as can be seen from your testimony today, special confidence in Schacht. How can you explain the prima vista and this fact which seems to be contradictory in itself?

A As my answer I can only say and express a personal opinion and I will try to be as brief as possible. But I would like to emphasize that as far as the problem of Schacht is concerned, I was not the only one who had headaches as to this matter but my friends as well. Schacht always placed a question, presented a puzzle to us. Perhaps the contradictory nature of this man is the answer. He had a position in the Hitler regime but indubitably he entered the Hitler regime for patriotic reasons. I would like to testify that from the moment duplicity or deception became known to him he decided for the same patriotic reasons to join the opposition. Despite the many puzzles and contradictions which Schacht presented to us we stayed with Schacht as he had tremendous courage and he had a strong line of ethics so that he did not believe only in German ideals but in the ideals of humanity. That is why we stayed with him; that is why we considered him one of us and if you ask me personally I can say that the doubts which I had about him many times were dispersed during the dramatic events of 1938 and 1939 and I buried all these doubts and thoughts emphatically.

At that time he actually fought and I will never forget him for that. It is a joy to me to be able to testify to this here now.

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DR. DIX: Your Lordship, I am now at the end of my questioning of this witness.

THE PRESIDENT: Does any other member of the defendants' counsel want to ask questions of the witness?

BY DR. BOEHM (Counsel for the SA):

Q Witness, yesterday you said that you were a member of the Stahlhelm, the Steel Helmet organization. What were the dates of your membership?

A I believe I entered the Stahlhelm in 1929 and left this organization in 1933.

Q You know the mentality of the members of the Stahlhelm organization. You know that without exception they were men who had served in the First World War. I would like to ask you now whether the domestic policies which the Stahlhelm followed, whether the aims they set were to be reached in a legal manner or in another way?

A To my knowledge the Stahlhelm, the Steel Helmet organization, was always for the legal way.

Q Was the fight of the Stahlhelm organization against the Treaty of Versailles, which every organization of national tendencies took up, done in a legal manner or in a revolutionary manner, that is was force intended in the carrying through of this fight?

A It is very hard for me to answer for the higher Stahlhelm organization but I can say those members of the Stahlhelm organization whom I knew, they were for the legal way.

Q Is it correct to say that in the year 1932 and '33 hundreds of thousand, without exception, without differentiation as to party and race, entered the Stahlhelm organization?

A Yes, that is correct. The more things came to a head in Germany, the more critical they became, the more people had rightist, that is Stahlhelm tendencies. I myself saw the Stahlhelm grow for I was a speaker and I saw the increase from 1929 to 1933 and experienced it. I would like to picture it as such, that those who did not want to join the NSDP and the SA deliberatel entered the Stahlhelm so that within the German sphere there would be a counter balance against the rising brown tide. That was the tenor ofour recruiting

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for the Stahlhelm.

Q You know that the Stahlhelm in the year 1934 was taken into the SA. I thought I would like to ask you on this occasion whether it was up to the individual member of the Stahlhelm to say no or to protest in any way against his being taken over into the SA.

A Of course it was possible, as everything was possible in the Third Reich.

Q What would have been the possible consequences?

A The possible consequences would have been a tremendous conflict with the SA leader or Party leader. At that time I was not a Stahlhelm member and I can say that it must have been very hard for many people to make the decision to reject the transfer into the SA. Minister Selte at the top had been betrayed or as it was said during that time, sold into the SA. A non-transfer into the SA was a sign of distrust against National Socialism.

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Q From my correspondence with the former members of the Stahlhelm, it may be seen that these people who, as former members of the Stahlhelm, were taken over into the SA, remained a foreign body and were in steady and constant opposition against the NSDAP and the SA. Is that correct?

A Since I myself did not belong to that organization any longer, I can only say that I assume that these members of the Stahlhelm did not feel very much at home in their new surroundings.

Q Do you know whether the members of the Stahlhelm, before 1934 and since 1934, took part in crimes against the peace, against the church, and so forth?

A No, I know nothing about that.

Q I would also like to ask you, so far as you know, about the SA. You talked rather freely yesterday regarding the SA leaders. I would like to ask you to limit your answers to a circle of SA members, which would differentiate between the simple SA man and the Brigadefuehrer.

Now, could you tell, from the position of the simple man to that of the leader -- and I remember the statements you made yesterday -- could you tell that these people intended to commit crimes against the peace?

A Of course, it is very hard to answer such a general question. If you are asking me about the SA men, I can only say no.

Q Did you notice that SA men were arrested and that SA men were put into concentration camps?

A Yes, I saw that many times. Many SA men were interned in 1933, 1934 and 1935, in those years; that is, when it was my official capacity to observe these things. They were arrested by the Gestapo, beaten to death, were tortured, and were put into concentration camps.

Q Could a man who was in the SA, or someone who was on the other side -- could they judge from the activity of the SA, from an individual to the entire membership, and gather that the SA intended to commit crimes against the peace?

A No. If I recall correctly, the higher command of the OKW tried to find out whether Hitler was planning a war; and, of course, I cannot assume that a simple SA man would have knowledge of something that we ourselves did not know positively.

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Q The prosecution asserted that the SA incited the youth and the German people to war. You were a member of the Gestapo. Did you observe anything like that? An activity along those lines could not escape your notice.

A That is another tremendously general question. I do not know how far certain thoughts would have been looked upon as war-like, but I cmnot imagine that in the years up until 1938, among the mass of the SA, that there was a different opinion and mood from the mass of the German people; and the opinion was that the thought of war was utter nonsense.

Q Could you see any clues from which you might have judged that the SA intended to commit crimes against peace, or that they had already committed such crimes?

A As far as the simple SA man is concerned, I must say "no" again, and this is true of the mass of the SA people. As far as the higher leaders are concerned, that I do not know. However, the mass of the membership did not know about such things and had not been trained for that.

Q Witness, it may not be denied that acts had been committed by a series of SA men, that they committed acts for which they should be punished. You know the SA and know what took place during revolutionary periods and afterwards. Are you in a position to give me an estimate, on a percentage basis, of just how many of the members of the SA acted in such a way that they should be punished?

I would like to call your attention to the fact that up until, perhaps 1932or 1933, the SA--

THE PRESIDENT: Just a moment. Dr. Boehm. The Tribunal doesn't think that is a proper question to put to a witness, what percentage of a group of this sort, of hundreds of thousands of men, take a certain view.

DR. BOEHM: This question seems to be very important for my case, Mr. President. We are concerned here with a witness who was outside the SA, who belonged to the Gestapo, and as such was perhaps one of the few who could look into the activities of the SA, and actually did look into them. He seems to be a man who will create and get the confidence of the Tribunal.

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I wanted him to state the number of the SA membershipwho should have been punished. He is one of the few who can give any testimony in that connection. I believe that if the witness is in a position to give his testimony here, the testimony given by him will be of great importance to the Tribunal also.

THE PRESIDENT: The Tribunal has already ruled that not only this witness, but other witnesses, are not in a position to give such evidence, and the question is denied.

BY DR. BOEHM:

Q Witness, do you know of cases in which SA members worked in opposition to the SA?

A I have already answered your question when I said that a number of SA members were arrested by the Gestapo.

Q Do you know what criminal or penal proceedings were taken against these men, and how many?

A Too few, I am sorry to say, if you put your question that way. Unfortunately, there were many who committed

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misdeeds and who ran around scott free.

Q What relation were they to the entire SA, as a membership?

THE PRESIDENT: That is the same question over again.

BY DR. BOEHM:

Q Do you know under what circumstances one could leave the SA?

A The same rules that applied to all organizations of the Party applied here also.

DR. BOEHM: I have no further questions.

BY DR. LATERNSER (Counsel for the General Staff, OKW):

Q Witness, you said some time ago, in replying to a question of my colleague Dr. Dix, that after the defeat at Stalingrad a military putsch was to be organized. You testified at that point that discussions had already taken place, as well as the fact that preparations had been made, and that the execution or carrying through of the military putsch was prevented because the Field Marshal in the East had let down the conspirator's group.

I am asking you now to give us details about this situation, so that I can follow your conclusion after the Field Marshal let down this conspirator's group.

A Since the beginning of the war, or the outbreak of the war, Generaloberst Beck tried to get in touch with this other Field Marshal. He wrote letters and he sent couriers. I remember, above all, correspondence with General Field Marshal von Mannstein, and I saw the answer of von Mannstein in the year 1942. I had this reply in my hand.

According to the strictly military expoundings that the war had been lost, von Mannstein could reply only that the war was not l st so long as one did not consider it as lost. Beck said that an answer like that from the Field Marshal--he said that as long as he had a reply like that, strategic questions could not be dealt with.

Several months later another attempt was made to win General Field Marshal von Mannstein. General Treskow, also a victim of the 20th of July, journeyed to the headquarters of Mannstein. Oberstleutnant von Schulenburg also went to the headquarters of Mannstein. However, it was not possible to win von Mannstein for our side.

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After Stalingrad we tried to get in touch with Field Marshal von Kluge, and he again tried to get in touch and win Mannstein. This time discussions went so far that Kluge gave us definite assurances, and he also assured us that a discussion could be had in the Fuehrer's headquarters, and the date was set. Because of the importance of that day, a special telephone connection was made from headquarters, from Fellgiebel to the OKW in Berlin. This telephonic connection was established, and I personally was present when this telephone conversation took place. Even today I can see the stack of paper in which it was said, in sober words, that Mannstein, against and contrary to the agreement made previously, had permitted himself to be persuaded by Hitler to remain in office. And Kluge was satisfied, with very small military concessions.

At that time we considered this a gross disappointment, and I would like to emphasize and repeat again what Beck said at that time when we were let down.

Q What other preparations had been made in this special connection?

A We made definite agreements with Field Marshal von Witzleben. Witzleben was the commander of the entire West, and for that reason he was very important for the bringing about of a putsch in the West. We had further direct agreements with the military governor of Belgium, General von Falkenhausen. In addition, just like on the 20th of July, 1944, we had a certain quota of armored troops in the vicinity of Berlin, and had deployed them there. Furthermore, the commanders of the troops involved had been called together in the OKW in case these people were to act.

Q That was all at the time of Stalingrad?

A Yes, at the time of the Stalingrad putsch.

Q Please continue.

A We had made all other political preparations which, in a case like that, would have to be made.

Q Yes. What were the reasons why this intended military putsch was not carried through?

A What was that?

Q Witness, what were the reasons why this putsch was not carried through?

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A Against all expectations, Field Marshal Paulus capitulated, and it was the first known mass capitulation; it was something which we had not expected. Paulus, before the capitulation, gave out a call to the Eastern Front and to the German people, in which the strategy of Hitler and the giving over of Stalingrad were branded.

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With this clew work Kluge wanted to say that in the future he would not take any further military orders from Hitler and, through this chain of events, we hoped to circumvent the problem of the oath which always gave him trouble, so that one field marshal after the other would refuse military obedience to Hitler, and Beck was to take over the supreme military command in Berlin.

Q Witness, you just mentioned the military oath. Do you know anything about the fact whether Blomberg and Beck resisted or tried to resist when the armed forces took their oath to Hitler?

A I know only that Beck up until the last few days of his life described the day of his giving of the oath to Hitler as theblackest day of his life and gave me an exact picture of how he personally felt. He told me that he had been summoned to a military roll call; and that suddenly it was said that an oath of allegiance was to be given to thenew head of state; that a new oath was to be used; and Beck never rid himself of the terrible thought that at that time he perhaps should not have given his oath. And he told me that while he was on his way home, he had told one of his colleagues, "This is the blackest day of my life."

Q Witness, in your testimony, you also mentioned thatbetween the Polish campaign and the Western campaign, that is with the beginning of the Western campaign, a further military putsch was to be tried, and that this putsch never materialized because Halder and Fieldmarshal von Brauchitsch evaded it, and you used the term "ausgewiesen." And now I'm asking you to tell me just how you arrived at this opinion. Give me the facts for your opinion that they had evaded --

MR. JUSTICE JACKSON: I do not raise an objection that this is harmful to us if we have plenty of time, but this evidence as to these putsches and threatened putsches and rumored putsches and rumored putsches was all admissible here in our view only as bearing on the attitude of the defendant Schacht's. We are not trying these generals, for being in a putsch or not being in a putsch. For allpurposes it is just as well as they should not be in a putsch. I do not know what purpose this can have in doing it over again. I call the Tribunal's attention for the limited purpose which this historical matter was admitted and suggest that it is serving no purpose in this connection to review it.

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THE PRESIDENT: What is the answer to that, Dr. Laternser?

DR. LATERNSER: Since the witness talked about this complex of questions and testified that Halder and Brauchitsch evaded and I am not in a position to determine whether the judgement used by the witness is correct as seen by the facts, I believe I am obligated to clarify this point. Rather generally, I would like to add that, as far as the Prosecution is concerned, the justification is there for the Prosecution to enter into this point. I would like to refer to the contention of the French Prosecutor in which he said that in allthese circumstances it was beyond comprehension why the whole German people did not rise to a man against the entire regime. That is, if I am to start with the assertion of the Prosecution, then my questioning of this point is of great importance, and I, therefore, ask that I may be permitted to ask this question.

THE PRESIDENT: The charge against the High Command is not that they were a criminal organization within the meaning of the Charter; that is to say that they planned an aggressive war or that they committed war crimes or crimes against humanity in connection with an aggressive war. Well, whether or not they took part or were planning to take part in a putsch to stop the war does not seem very material to any of those questions.

DR. LATERNSER: I agree with you, Mr. President, that it is not of special importance. On the other hand, I believe that if a point --

THE PRESIDENT: I did not say thatit was not of special importance. I say thatit was not material to the relevancy. The Tribunal does not think that any of these questions are relevant.

DR. LATERNSER: Then I will withdraw my question. I have one more and that will be my final question.

BY DR. LATERNSER:

Q Witness, can you tell me the names of those generals who on the 20th of July participated in the assassination?

THE PRESIDENT: Well, what has that got to do with any charge against the High Command?

DR. LATERNSER: The General Staff is accused of having been a participant in a conspiracy. The question --

THE PRESIDENT: We are not here to consider the honor of the High Command. We are here to consider whether or not they are a criminal organiza-

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tion within the meaning of the Charter, and that is the only question with which we are going to deal with so far as you are concerned.

DR. LATERNSER: Mr. President, the General Staff and the OKW is accused of having been participant in a conspiracy. If I prove, and I am trying to do that with this question, that of this General Staff on the contrary took part in an action against the regime, then the answer of my question to this point can be used that the opposite was true; and, for that reason, I ask that I be able to put my question.

THE PRESIDENT: The Tribunal does not think what the General Staff did in July, 1944, when the circumstances were entirely different to what they were in September, 1939, has any relevancy to the question whether they took part, either before or in September, '39.

DR. LATERNSER: Mr. President, if I put myself on the side of the Prosecution, I must assume that the Prosecution assumes that the conspiracy continued. I have not seen from anything that has been submitted that the conspiracy stopped or supposedly stopped at a certain period of time. So that the answering of this question seems to be of importance. I would like to supplement my statement, Mr. President.

THE PRESIDENT: Well, Dr. Laternser.

DR. LATERNSER: I wanted to add, Your Honor, that just as far as the membership of my group is concerned, the period of time between '38 and '45 --

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THE PRESIDENT: You mean the group which changed; therefore they might be different in '44?

DR. LATERNSER: The point, Mr. President, and in addition to that, especially a large membership of the people belonging to this circle in the course of '44, because of their official position, actually came to this group, and I do consider this point pertinent.

THE PRESIDENT: All right.

BY DR. LATERNSER:

Q Witness, my question was, can you give me the names of those generals who participated in the attempted assassination of the 20th of July 1944?

A General Oberst Beck, General Fieldmarshal Witzleben, General Olbrecht, General Hoebner.

Q Just one question. General Hasa, and, certainly, a large number of other generals, whom I am not able to enumerate so rapidly. Here I just mentioned those names of the men who were at that address that afternoon.

Q Do you know, witness, whether Fieldmarshal Rommel was active in this?

A I cannot answer just yes for it is a fact that Rommel, as well as Fieldmarshal von Kluge, did participate. But it would give the wrong picture if Fieldmarshal Rommel especially would appear in the category of those who fought against Hitler. Mr. Rommel was a typical Party general and he wanted connection with us very late, and we had a rather unsavory taste when all of a sudden Mr. Rommel in the light of his military catastrophe, proposed to us to have Hitler assassinated but, if possible, Goering and Himmler as well. And, even then, he did not wish to be there at the first, but he wanted to be in a special reserve and to put his popularity at our disposal a little later on. Therefore, it is quite a problem just when these gentlemen entered our group as people who have been beaten, some one who wanted to save their reputation, or who were with us right from the beginning.

Q Did you talk with Rommel about this?

A No.

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Q Then, a further question. On the 20th of July were officers of the General Staff active?

A Yes, a large group.

Q About how many?

A I can't give you the number for at that time I did not have any inside information as to how many Staufenberg had on his side from the General Staff. I know that Staufenberg and Hansen and some others had found a number of clean courageous officers of the General Staff, and that they could count on the support of many members of the General Staff but whom they could not initiate into their plans beforehand.

Q Yes, that is enough for the present. You later mentioned General von Treskow. Did you know him personally?

A Yes.

Q Do you know anything about the fact that General von Treskow after he found out of the commissar decree, that he saw von Rundstedt and that he was instrumental that this decree was not transmitted in von Rundstedt's sector?

A Treskow for many years has belonged to our group and there was no action where he called the attention of his superiors to such decrees. I know how at that time the famous commissar decree was known to us, at first through hearsay, and we at once sent a courier to Treskow to tell him of the bastardly--and how Treskow, after a decree had been publsihed, called upon von Rundstedt, as you described the situation.

THE PRESIDENT: You said a while ago that you were just going to ask your last question.

DR. LATERNSER: Mr. President, I am sorry I could not keep to that. I had one further question, but this was my last one.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken.)

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THE PRESIDENT: Does any other member of the defendant's counsel wish to ask any questions of the witness?

(No response)

Then do the Prosecution desire to cross examine?

CROSS EXAMINATION

BY MR. JUSTICE JACKSON:

Q May it please the Tribunal, I have a few questions to you, Dr Gisevius, and if you will answer them as nearly as possible, yes or no, as you are capable of giving a truthful answer, you will save a great deal of time.

The Tribunal perhaps should know your relations with the Prosecution. Is it not a fact that within two months of the surrender of Germany I met you at Wiesbaden, and you related to me your experiences in the conspiracy that you have related here?

A Yes.

Q And you were later brought here, and after coming here were interrogated by the Prosecution as well as by the Counsel for Frick and for Schacht?

A Yes.

Q Now, your attitude and viewpoint is, as I understand you, that of a German who felt that loyalty to the German people required continuous opposition to the Nazi regime. Is that a correct statement of your position?

A Yes, yes.

Q And you had a very large experience in police matters in Germany.

A Yes.

Q If your Putsches or other moves to obtain power in Germany were successful, it was planned that you would be in charge of the police in the reorganization, was it not?

A Yes, indeed.

Q Either as Minister of the Interior or as Police Commissioner, whatever it might be called.

A Yes, certainly.

Q Now, you represented the belief that it was not necessary to govern Germany with concentration camps and with Gestapo methods; is that correct?

A Yes.

Q And you found all of the ways of presenting your viewpoint to the German

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people cut off by the Gestapo methods which were used by the Nazi regime; is that a fact?

A Yes.

Q So that there was no way open to you to obtain any change in German policy except through revolt or assassination, or means of that kind?

A No. I am convinced that until 1937 or the beginning of 1938 the possibility did certainly exist that by means of a majority in the cabinet or by means of pressure from the armed forces a change in the situation in Germany could have been brought about.

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Q Then, you fix 1937 as the time when it ceased to be possible by peaceful means to effect a change in Germany; is that correct?

A That is how I would judge it, yes.

Q Now, it was not until after 1937 that Schacht joined your group; is that not a fact?

A Well, as far as I said, the group wasn't formed until 1937, 1938, but for example, Schacht got me into touch with Goerdeler in 1936, and the acquaintance between Schacht and Oster existed since 1936, just as Schacht knew a large number of other members of the group and for some considerable time.

Q But Schacht did not become convinced, as I understand your statement to us, until after 1937, until the Futsch affair, that he wouldn't be able to handle Hitler in some peaceful way; is that not correct?

A What do you mean? Peaceful? In that case, yes. The answer is yes. Sch Schacht until the end of 1937 did believe that a legal removal of Hitler should be impossible.

Q But by the end of 1937, as you now say, the possibility of a peaceful removal of Hitler had become impossible, in fact.

A As we considered it, yes.

Q Yes. Now, there was, as I understand your view in going to the Generals, there was no power in Germany that could stop or deal with the Gestapo except the Army.

A Yes. I would answer that question in the affirmative.

Q That is, in addition to the Gestapo, this Nazi regime also had a private army in the SS, did they not, and for a period in the SA?

A Yes.

Q And if you were to come back successfully at the Nazi regime, you had to have manpower which only the Army had; is that right?

A Yes, people who could be found among the armed forces, but we were als trying to get hold of the people among the police, and we needed all the decent officials in the ministry -- generally speaking, the masses of the people.

H0116-0074

Q But the Wehrmacht was the source of power capable of dealing with the SS and the Gestapo if the generals had been willing?

A Of that we were convinced.

Q And that is the reason you kept seeking the help of the generals and felt left out when they wouldn't give you their assistance, finally?

A Yes.

Q Now, there came a time when everybody connected with your group knew that the war was lost.

A Yes, quite.

Q And that was before these plots on Hitler's life and it was apparently before the Schwabendorf plot and before the July 20th plot, that the war was lost, was it not?

A I should like to make it quite clear that no one in our group-- no one couldn't know, even when the war started, that Hitler could never possibly win this war.

Q But it became very much more apparent as time went on, not only that the war could not be won by Germany but that Germany was going to be physically destroyed, as a result of the war; is that not true?

A Yes.

Q Yet, under the system which the Nazi regime had installed, you had no way of changing the course of events in Germany except by assassination or a revolt; is that true?

A Yes.

Q And so you resorted to those extreme measures, knowing that Hitler could never make peace with the Allies; is that true?

A Yes.

Q And your purpose in this was to save Germany the last destroying blows which unfortunately she received from the point of view of the Germans; Is that not a fact?

A I should like to say that we, since the beginning of the war, no longer considered Germany alone. I think that I must be permitted to say that we bore our share in the responsibility of Germany as far as the war was

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concerned.

Q Well, what you were endeavoring to do was to get the war to an end, since yo had not been able to stop its commencement, were you not?

A Yes.

Q And that was impossible as long as Hitler was at the head of the government and this group of men behind him?

A Yes.

Q Now, there was another plot on Hitler's life that you haven't mentioned. Was there not a bomb that was later found to have been a Communist bomb; was it not?

A This happened on the 9th of November 1939, in the Buergerbraukeller, the beercellar in Munich. It was a bomb individual of Communists, I believe.

Q Now, at none of these times when Hitler's life was endangered, by a strange coincidence was Goering or Himmler ever present; is that not true?

A Yes.

Q Do you attach any importance to that fact?

A We have quite often regretted this; for instance, if the attempt had succeeded, if Goering and Himmler had assisted Hitler on the 17th of July--but as years went by the situation was that this clique separated themselves so much and protected themselves so much, that they could hardly be found together anywhere; and Goering, of course, was gradually so keen on his art collection at Karin Hall that he was hardly ever present during serious conferences.

Q Now, the assassination of Hitler would have accomplished nothing, from your point of view, if the number two man had stepped into Hitler's place, would it?

A That, for a long time, was a debatable problem and Brauchitsch, for instance, was imagining that together with Goering they wanted to create a temporary regime. Our group always refused to be together with that man for even one single hour.

Q How did you plan -- if you were successful -- to deal with the other defendants here, with the exception of the defendant Schacht, all of whom, I understand, you regard as a part of the Nazi government?

H0116-0076

A These gentlemen would have gone behind locked doors, and I think until they had been sentenced, they wouldn't have had to wait for any law.

Q Now, does that apply to every man in this dock with the exception of Schacht?

A Yes, every man.

Q That is, you recognized them, your group recognized them all as parts and important parts of the Nazi regime--a Nazi conspiracy. Is that a fact?

A I shouldn't like to tie myself down to the words "Nazi conspiracy." We considered them the men responsible for everything and all the unceasing misery which that government had brought to Germany and the world.

Q I should like to ask you a few questions about the Gestapo. You testified generally in reference to the crimes which were committed by that organization and I ask you to state whether that included the torturing and burning to death of a large number of persons?

A I don't think that question came through correctly.

Q I am asking you as to the crimes committed by the Gestapo and I am asking if it included the torturing and burning to death of thousands of persons?

A Yes.

Q Did it involve the unlawful detention of thousands of innocent people?

A Yes.

Q The throwing of them into concentration camps where they were tortured and beaten and killed?

A Yes.

Q Did the Gestapo engage in wholesale confiscation of property?

A Yes, to a degree; they called it "property hostile to the state."

Q And did it practice extortion against Jews and against others?

A In masses and by the millions.

Q Did the Gestapo hinder and molest the public officials who were too prominent to be murdered until they resigned or were driven from office?

H0116-0077

A The Gestapo used every means from murder to the means of that of coercion.

Q Now, the question arises here as to whether the members of the Gestapo knew what the Gestapo was doing, and will you please tell the Tribunal what the situation was as to the membership in that organization and its knowledge of its program?

A I had already committed my statements by saying that every member of the Gestapo from the first or second day, would have to see and have to know what that institution is doing.

Q Now, there were some people who were taken into the Gestapo at the beginning, who were transferred from other branches of the civil service, were they not, who were in a sense invariably members of the Gestapo?

A Yes; these members in the course of the first year were eliminated because of being unreliable politically.

Q And the transfer took place at the time Goering set up the Gestapo, did it not?

THE PRESIDENT: What did the witness mean by "eliminated"?

MR. JUSTICE JACKSON: I think eliminated from the Gestapo.

THE WITNESS: Gradually they were released from the service of the Gestapo.

BY JUSTICE JACKSON:

Q Now, after the purge of the 30th of June 1934, were special pains taken to see that no one was permitted in the organization who wasn't in sympathy with its program?

A These attempts started after the 1st of April 1934 when Himmler and Heydrich took over the business. Actually, beginning with that date, no official was employed or allowed into the Gestapo unless Himmler and Heydrich were sure that he had the attitude which they desired. It may be that during the first month some officials, bureau officials, did get in who had not yet been cleared or did, of course, take quite a long time after the SS had educated their own criminal officials and trained the police.

Q However, did there come a time, and if so, will you fix it as nearly as possible, after which every member of the Gestapo must have known the criminal program of that organization?

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A For many years I have considered that question myself and discussed it with neighbors and my friends. The reply entailed very great responsibility and because of my knowledge of that responsibility, I should like to say that from the beginning of 1935, at the very last, at the very latest, everyone had to know what authority, what organization he was joining and which type of orders he might have to expect.

Q You have testified as to theinvestigations which you made when you were connected with the police administration and you mentioned the Reichstag fire but you did not tell us what your findings were when you investigated that. Will you please tell us?

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A To speak briefly and to state the facts, first of all we ascertained that quite generally Hitler had stated the wish for a large-scale propaganda campaign. Goebbels took on the job of making the necessary proposals and preparing them, and it was Goebbels who first thought of setting the Reichstag on fire. Goebbels talked about this to the leader of the Berlin SA Brigade, Carl Ernst, and he suggested in detail how it should be carried out.

A certain chemical was chosen, known to every expert, and it was to be sprayed. It ignites after a certain period, I think hours or minutes. So as to get inside the Reichstag, one needed the corridor which connected the palace of the Reich President with the Reichstag Building. A group of ten reliable SA men were made ready, and now Goering was informed about every detail of the plan. Goering, quite by accident, wasn't making an election speech on that particular evening, but at a late hour was still sitting at his desk in the Ministry of the Interior in Berlin.

It was expected from Goering, and he gave assurances that he would do so, that the police would be instructed, while still suffering from shock, to take up a false trail. Right from the beginning it was intended that the Communists should be debited with this crime, and it was in that sense that these ten SA men who had to carry out the crime had been instructed.

That is, in a few words, the story of the events. To tell you how we got hold of the details, I have only to add that one of these ten who had to spread the chemical was a notorious criminal, and six months later he was thrown out of the SA. When the award which he had been promised did not arrive, he thought that he should go to the Reich Court, sitting in Leipzig at the time, and report his knowledge to them. He was taken before an interrogator who composed a record, but the Gestapo heard of it and the letter to the Reich Supreme Court was intercepted and destroyed.

That SA man by the name of Rall who betrayed the plan, was murdered by men of Goering and by order of Gestapo Chief Diehls. Upon finding the body, we picked up the trail of the whole story.

Q What happened to the ten SA man who carried out the Reichstag fire? Are any of them alive now?

A None of them are still alive. Most of them were killed on the 30th of June under the pretext of the Roehm revolt. Only one, a certain Heini

H0116-0080

Gewehr, was taken over by the police as a police officer, and we followed his trail as well. He was killed on active service as a police officer on the Eastern Front.

Q I think you testified that you also investigated, with the entire affair of Roehm, the murders that followed the Roehm affair. Didn't you so testify?

A I can't say that I carried out the investigation, since we, the Ministry of the Interior, had actually been excluded from the whole affair. But matters were such that after the 30th of June, all cries for help and all complaints of the affected people reached us in the Ministry of the Interior. During the 30th of June, we received radio messages currently, and heard, through occasional persons in Goering's palace, and through neighbours , what the details were.

Q Now, about how many people were killed in that purge?

A We have never been able to establish that figure exactly, but I estimate that no more than 150 to 200 persons lost their lives, which, considering the situation at that time, was an incredible figure.

I, myself, sat together with Minister of Justice Gueftner to compare the list which he had been given by Hitler and Goering regarding the number of the dead, and we ascertained that that list which contained 77 names of dead, who had supposedly been killed justly, was exceeded by nearly 100 per cent, through those names which we had received from the Adjutant General's Department or which we had heard through telephone calls from the Ministry of the Interior.

Q Now, did you ascertain who selected the men who were killed in that purge?

A First of all, we ascertained that Himmler, Heydrich and Goering had compiled exact lists, because I myself listened when in Goering's palace, and I heard it confirmed by Daluege who was present, and also by Nebe who was present from the first second, that no one of those who were killed was mentioned by name. One only referred to it as "No, so and so has now been dealt with"; "No, so and so is missing", and "No, so and so will be dead forthwith", but there is no doubt that on that occasion Heydrich and Himmler

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had a special list of their own.

On that official list there were several Catholics, Klausner and others, and I cannot, for instance, say under oath in this courtroom whether Schleicher's murder was done by order of Goering or whether he was a man who was on Heydrich's or Himmler's special list.

Q Now, was the defendant Frick fully informed as to the facts which you knew about the illegal conduct of the Gestapo?

A Yes. Every bit of material which arrived which was important had to be taken to him by me, and I have already described how all these matters were sent to the Secret State Police or to the Interior Ministers of the counties by us by way of reports, so that the situation was, of course, that considering that only the most important things were put before Frick personally, amongst all this material I estimate that several hundred complaints were received daily. Those important things had to be put before Frick, because he had to sign them personally, since Goering was always complaining as soon as he saw that some young official could make requests to the Ministry of State himself and could sign them.

Q Now, was Frick informed of your conclusions about the Roehm purge?

A Yes, because on Sunday, while the murderers were carrying on, I talked to Frick about the murder of Strasser, Klausner and Schleicher, and the many other murders, and Frick was particularly disgusted about the murder of Schleicher because he considered that an act of personal revenge on Himmler's and Goering's part. Likewise, Frick was disgusted about the murder of Klausner, Bohse, Edgar Jung, and the many others who had been murdered without being guilty. He was quite disgusted.

Q But when Frick signed the decree, along with Hitler, declaring these murders legitimate and ordering no prosecutions on account of those murders, Frick knew exactly what had happened from you, is that the fact?

A He knew it from me, and he had seen it himself, no doubt. At that moment, the story of the 30th of June must have been known to Frick.

Q Now, did Frick ever talk with you about Himmler and Heydrich as being bad and dangerous, cruel persons?

A On that Sunday, the first of July, Frick said to me "If Hitler

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doesn't very soon do with the SS and Himmler what he has done with the SA today, then he will experience from the SS many things worse than those he has now experienced with the SA."

That foresight touched me deeply at that time, to hear that Frick would say that so openly, before me.

Q But notwithstanding the estimate he made of those men as dangerous persons, did he not thereafter appoint them both in his Ministry of Interior?

A Well, of course, they were actually appointed by Hitler. I can only say that when I took leave from Frick at the time I left the Ministry of Interior in May, 1935, Frick said to me literally this:

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The eternal scandal attached to my person had taught him that from now on he would only collect Party members in his Ministry and as much as possible those who had the Golden Party Emblem. It might be that as things went on he might even have been forced to allow Himmler into his Ministry and the murderer Heydrich he would not allow into his Ministry under any circumstances Those are the last words I exchanged with Frick.

Q Both were put in charge of matters that were under his legal control, were they not?

A Yes, they became members of the Reich Ministry of the Interior and Frick remained their superior.

BY THE PRESIDENT:

Q Did you say that those were the last words which you exchanged with the defendant Frick?

A Yes.

Q That was in 1935?

A Yes. I have not met him after that or talked to him.

Q Now, after 1934 Frick was the Minister in charge of the running and controlling of concentration camps, was he not, Dr. Gisevius?

A In my opinion the Reich Minister of the Interior was responsible from the beginning for all police matters in the Reich and therefore also the concentration camps and I do not believe that one can say he had only had that responsibility since 1934.

Q Well, I am willing to accept your amendment to my question.

I ask that you be shown document number 3751-PS of the United States, which has not yet been offered in evidence.

(Witness handed document)

Now, this purports to be a communication from Dr. Guertner, the Minister of Justice, to Reich and Prussian Minister of the Interior. That would be from your friend Dr. Guertner to Frick, would it not?

A I believe I heard you say "friend". Guertner during the time he acted as Minister did not act in such a way that I could call him my friend.

Q Well then, tell us about Guertner. Tell us about Guertner's position in this situation because we have a communication here apparently from him.

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A Guertner at that time and without doubt tried a lot to uncover the cruelty in the camps and to take proceedings. All together and in individual cases Guertner did try quite a lot but that law after the 30th of June was signed by him which made all these dreadful things legal and apart from that, Guertner never drew the consequences from his views. But particularly that document which you put before me was such an attempt on Guertner's part and amongst the decent officials in the Ministry of Justice, to clarify principally the question of the terror of the Gestapo. As far as I recollect this is one of those letters which we discussed unofficially beforehand so as to, shall we say, provoke an answer.

Q I now desire to read some parts of this into the record. It becomes U.S. Exhibit 828. I will offer it as such.

Will you kindly follow the German text and see if I correctly quote:

"My dear Reichsminister:

"Enclosed you will find a copy of a report of the Inspector of the Secret State Police, dated 28 March, 1935.

"This report gives me an occasion to state my fundamental attitude toward the question of the beating of internees. The numerous instances of ill-treatment which have come to the knowledge of the administration of justice can be divided into three different causes for such ill-treatment of prisoners:

"1. Beating as a disciplinary punishment in concentration camps.

"2. Ill-treatment, mostly of political internees, in order to make them talk.

"3. Ill-treatment of internees arising out of sheer fun, or for sadistic motives."

I think I will not take the Tribunal's time to read his comment on number one or number two.

"About number three --"

Do you find that in the German text?

A Yes.

Q "The experience of the first revolutionary years has shown that the persons who are charged to administer the beatings generally lose pretty soon the feeling for the purpose andmeaning of their actions and permit

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themselves to be governed by personal feelings of revenge or sadistic tendencies. As an example, members of the guard detail of the former concentration camp at Bredow near Stettin completely stripped a prostitute who had an argument with one of them and beat her with whips and cowhides in such a fashion that the woman two months later still showed two open and infected wounds."

I shall not go into the dimensions, they are not important.

"In the concentration camp at Komma near Wuppertal, prisoners were locked up in a narrow clothing locker and were then tortured by blowing in cigarette smoke, upsetting the locker, etc. In some cases the prisoners were given first salt herring to eat, so as to produce an especially strong and torturing thirst.

"In the Hohenstein concentration camp in Saxony, prisoners had to stand under a dripping apparatus especially constructed for this purpose until the drops of water which fell down in even intervals caused seriously infected wounds on their scalps.

"In a concentration camp in Hamburg four prisoners were lashed for days, once without interruption for three days and nights, once five days and nights, to a grating in the form of a cross, being fed so meagerly with dried bread that they almost died of hunger.

"These few examples show such a degree of cruelty which is an insult to every German sensibility, that it is impossible to consider any extenuatin circumstances.

"In conclusion, I should like to present my opinion about thos e three points to you, my dear Herr Reichsminister, in your capacity as cabinet member in charge of the establishment of protective custody and the camps for protective custody."

And he goes on to make certain recommendations for action by the Minister.

I do not know whether the Tribunal cares to have more of this read.

Was any improvement in conditions noted after the receipt of that communication by Frick?

A The letter was received during those very days when I left the Ministry of the Interior. I should like to say only one thing as far as the letter is concerned.

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The things described in it are really only a fraction of the things which we know. I participated when this letter was prepared bytalking to the officials concerned in the Ministry of Justice. The Minister of Justice could only quote those matters which had reached him through some legal channels and by accident, perhaps, through some proceeding which had been instituted. But there can be no doubt that this letter was merely the cause and the cause in turn was a very cheeky letter from Heydrich to Guertner, dated the 28th of March, 1935, in which he denies that the Minister of Justice has the right to prosecute in the cases described.

The letter, therefore, does notintroduce anything new into my statements and no doubt you all have convinced yourself that these conditions which started at that time did never cease but that they got worse and worse as time went on.

Q Now, there came a time when Heydrich was assassinated in Prague, did there not?

A Yes, the very brave Czechs did achieve something which we unfortunately did not achieve. That will always be to their glory.

Q Now, I suppose the Czechs expected and did you expect that the assassination of Heydrich would result in some improvement in this condition?

A We asked ourselves, we, Canaris, Oster, Nebe and the others of the group, we asked ourselves whether it was possible at all that an even worse man could possibly be found after such a monster as Heydrich and as far as that is concerned we really did think that the Gestapo terror would now be alleviated and that perhaps a certain amount of legal treatment might be brought about or that at least the cruelties might be reduced.

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Q And then came Kaltenbrunner. Did you notice any improvement after the appointment of Kaltenbrunner? Tell us about that.

A Kaltenbrunner came, yes, and things got worse every day. Once more we had the experience that perhaps the impulsive actions of a murderer like Heydrich weren't as bad as the cold, legal logic of a lawyer who was handling such a dangerous instrument as the Gestapo.

Q Can you tell us whether Kaltenbrunner took an even more sadistic attitude than Himmler and Schellenberg had done? Were you informed about that?

A Yes. I know that Heydrich, in a certain sense, felt something like a bad conscience when he committed his crimes. At any rate, he didn't like it too well if, in the circles of the Gestapo, these things were discussed openly. Nebe, who , as Chief of the Criminal Police, had the same rank as the Chief of the Gestapo, Mueller, always told me that Heydrich was anxious and was making every effort to cover up and conceal his crimes.

Upon the entry of Kaltenbrunner into that organization, that habit ceased, and now it was openly said amongst the department chiefs of the Gestapo what all these matters were about. They were openly discussed. Of course, the war had started and these gentlemen lunched together, and I repeatedly had the experience that Nebe returned completely exhausted from such luncheons. It came to the point where he had a nervous breakdown. On two occasions Nebe had to take sick leave for lengthy periods because he simply could not stand that open cynicism with which mass murder, and the technique of mass murder, was now being discussed.

I need only remind you of the gruesome chapter of the installation of the first gas chamber, which was discussed in detail amongst these people, just as were the experiments regarding how one could most quickly and most efficientl remove the Jews. They were the most horrible descriptions which I have ever heard in this life of mine; and, of course, it is so much worse when you hear them from some one who is still under the impression of such discussions, and who is practically collapsing, both physically and psychologically. That is worse, of course, than when you hear it via documents.

Nebe became so ill, that on the 20th of July, he really had persecution mania and was only a human wreck after everything he had gone through.

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Q Was it the custom to have daily dinner conferences of the chiefs of the Main Security Office, those who happened to be in town?

A Daily luncheon conferences, yes, and everything was discussed, including questions which were of particular importance to us, because we heard about details of the methods used by the Gestapo against our group.

So as to prove my statements, I can report in this instance that, for instance, the arrest order issued against Goerdler on the 17th of July was mentioned. It was solved during such a luncheon conference, and Nebe warned us at once. That is the reason why Goerdler could escape for a lengthy period, at least, and why we could know how far the Gestapo was informed about our plot.

Q And who were the regular attendants at those luncheon conferences?

A Kaltenbrunner was in the chair. Then there was Gestapo Leader Mueller, Schellenberg, Ohlendorf, and Nebe.

Q And do you know whether, at those meetings, the new kinds of torture and the technique of killing by gas, and other measures in the concentration camps, were discussed?

A Yes. It was discussed in great detail, and sometimes I received the description a few minutes later.

Q Now, what is the situation with reference to the information of the foreign office about the conduct of the Gestapo? Will you tell us what was done to inform the Foreign Office from time to time of the crimes that the Gestapo were committing?

A The Foreign Office, particularly during the earlier years, was being continuously informed, since nearly every day some foreigner was nearly beaten to death or robbed. Then came the diplomatic missions, with their complaints; and these complaints were sent to the Ministry of the Interior by the Foreign Ministry. That came into my sphere. Sometimes four or five such notes from the Foreign Office regarding perpetrations of the Gestapo reached me, and I can testify that in the course of the years no perpetration of the Gestapo was left out of these particular notes.

Q Did you make certain reports to the Foreign Office which were so dispatched that you are reasonably certain they would reach Neurath?

A Ribbentrop wasn't the Foreign Minister yet.

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Q No, Neurath.

A I very often discussed these matters with the officials from the Foreign Office, because they were very particular and because the officials of the Foreign Office were most appalled. I asked them quite often to have these matters put to the Minister through the official, authorized channels. Over and above that, one of the closest cooperators of the Foreign Minister, the Chief of Records, Ambassador von Buelow-Schwandte, was given material by me as much as was possible. And, according to the information I received from Buelow-Schwandte, he repeatedly submitted that material to Neurath.

Q Now, were certain of the collaborators close collaborators of von Papen? Was von Papen subject to action by the Gestapo?

A To start with, the entire group around von Papen was continuously put under surveillance by the Gestapo in the earlier years; and amongst wide circles of the people there was the impression that von Papen was particularly interested in decency and right. A large group collected around von Papen, and, of course, that was most carefully watched by the Gestapo. Complaints were received by the score by von Papen, and there was a careful listing in von Papen's office, since no doubt von Papen quite often took these papers either to Goering or to Hindenburg.

The closest collaborators of von Papen were, of course, suspected by the Gestapo and so, on the 30th of June 1934, Oberregierungsrat von Boder, the closest assistant of von Papen, was shot dead in the doorway of von Papen's ministry room, and two other assistants of von Papen were made prisoners.

The man who worked on the radio speeches that von Papen, Jung, was arrested weeks before the 30th of June, and murdered on the morning of the 1st of July, when he was found in a ditch near the highway near Oranienburg.

Q Did von Papen continue in office after that?

A I have never heard that he resigned, and I know that very soon after the Austrian Chancellor Dollfuss was murdered he was sent to Vienna as Hitler's Ambassador.

Q Did he ever make any protests that you know of?

A I personally heard nothing about that at the time, although, of course

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we were extremely keen to hear which minister might be protesting. However, any letter originating from Papen to the Ministry of the Interior never did arrive.

Q Were some of his collaborators murdered again after the Anschluss in Austria?

A On the day of the Anschluss, and when the SS entered Austria, von Papen's closest collaborator, Legation Counsul Freiherr von Ketteler, was kidnapped by the Gestapo. We looked for him for many weeks, until three or four weeks later his body was washed up on the banks of the Danube.

Q After that, did Papen continue to serve as a part of the Hitler Government, and accept further offices from Hitler's hands?

A He wasn't any longer a member of the Government at the time. Immediately after the march into Austria von Papen was made Ambassador, which rather put him out of action. However, it didn't take long before he continued his activities as charge d'affaires at Ankara.

MR. JUSTICE JACKSON: Does the Tribunal desire to rise at this point?

THE PRESIDENT: You would like a little more time, wouldn't you, with this witness?

MR. JUSTICE JACKSON: It will take a little more time, your Honor.

THE PRESIDENT: Yes. We will adjourn now.

(The Tribunal adjourned until Friday, 26 April 1946, at 1000 hours.